



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

August 31, 2011

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

Re: Exempted Fishing Permit No. 11-01

Dear Mr. Gauvin:

We have approved your request for exempted fishing permit (EFP) #11-01 to continue the development and testing of a salmon excluder device for pollock trawl gear used in the eastern Bering Sea. This permit allows exemptions from certain regulations under 50 CFR part 679 to facilitate harvest of pollock and salmon necessary for meeting the scientific requirements of the study. The work under the EFP is in cooperation with the Alaska Fisheries Science Center and has been approved by the North Pacific Fishery Management Council.

Enclosed is a copy of the EFP #11-01. A copy of this EFP must be onboard the permitted vessel when fishing under the EFP, and as long as groundfish from exempted fishing are retained onboard the vessel. The permit holder and permitted vessel operator must comply with all provisions of the EFP, the Magnuson-Stevens Fishery Conservation and Management Act, and 50 CFR 679, except as provided in the terms and conditions of the EFP. If you have any questions regarding this permit, please contact Mary Grady of the Sustainable Fisheries Division at (907) 586-7172 or email at mary.grady@noaa.gov.

Sincerely,


for 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 #11-01

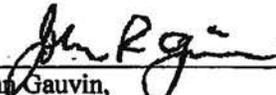
The Administrator, Alaska Region, National Marine Fisheries Service (NMFS), acting on behalf of the Secretary of Commerce, hereby permits vessel(s) acting under the direction of the permit holder, Mr. John Gauvin, Gauvin and Associates, LLC, to conduct experimental fishing in the Bering Sea to test a salmon excluder device for trawl gear used to fish for pollock between September 1, 2011, and November 1, 2012. The excluder device is designed to lower salmon bycatch rates without significantly lowering catch rates of pollock.

The United States exercises fishery management authority in the Bering Sea and Aleutian Islands Management Area under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* (Magnuson-Stevens Act). The permit holder and the owners and operators of all authorized vessels must comply with the provisions of this Exempted Fishing Permit (EFP), and the provisions of the Magnuson-Stevens Act and 50 CFR parts 600 and 679, except as provided in the attached terms and conditions incorporated herein. This permit is valid from September 1, 2011, through November 1, 2012, when signed by the permit holder, the Regional Administrator, and an authorized representative for each participating vessel, unless terminated earlier by provisions of this EFP or by regulatory action pursuant to 50 CFR parts 600 and 679, or revocations, suspension, or modification pursuant to 15 CFR part 904.

for

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

8/31/11
Date Signed


John Gauvin,
Gauvin and Associates, LLC

8/25/11
Date Signed

BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA
GROUNDFISH FISHERY
EXEMPTED FISHING PERMIT #11-01
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 will be selected for each stage of the field research through an application process administered by the permit holder. One to two vessels are used for each stage of field research and may be either a catcher vessel or catcher processor. In the event the selected vessel(s) is unable to complete the fieldwork under the EFP, the permit holder will inform NMFS and submit the required information on a replacement vessel(s) to 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 complies with the trawl performance standard at 50 CFR 679.7(a)(14)(i).

The required information regarding the permitted vessels must be provided to NMFS within 5 days of completion of contracting the vessel for the work. Information that must be provided to NMFS is attached to this permit as Appendix A. This list shall include the following information to be provided to the Regional Administrator:

- Vessel name
- Vessel length and tonnage (gross)
- Federal permit number and USCG registration number
- Name, address, telephone number, and fax number of owner
- Home port
- Signature of vessel's authorized representative

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

C. 1. Timing of the Experiment

Experimental fishing under the terms of this permit is authorized for the A and B pollock seasons between September 1, 2011, and November 1, 2012.

2. Notification of Timing of the Experiment

The permit holder must notify the Regional Administrator (by email or fax) within 24 hours of the beginning and ending of each fishing trip conducted under the EFP.

The permit holder and participating vessels are exempt from the prohibition of § 679.7(a)(2), as applied to the specific regulations detailed in sections D through G below.

D. Reporting Requirements and Observers

The permit holder 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:

Catcher processors: During the EFP, the vessel operator must use eLandings to submit a production report to record and report daily processor groundfish production data, and groundfish and prohibited species discard or disposition data. The experimental fishing activity must be reported as experimental by using “EXP” as the management program code on the Production Report.

Catcher vessels: If a catcher vessel makes a landing to a shoreside processor or mothership, the permit holder is required to work with the vessel owner and the shoreside processor or mothership to ensure that all the catch discard information from the EFP fishing activity is entered for each groundfish delivery. This information must be marked as experimental by using the “EXP” management program code on the groundfish landing report completed in eLandings.

The vessel owners or operators are exempt from the observer requirements at § 679.50 while conducting activities under this EFP, except § 679.50(g). Instead, the catch and discards will be monitored by “sea samplers” who are NMFS-qualified 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 §§ 679.50(g) and 679.7(g) and the permit holder is required to comply with these provisions for their sea samplers.

E. Area of the Experiment

Experimental fishing under the terms of this permit is authorized in the Bering Sea subarea, including the following areas that are otherwise closed to fishing with trawl gear under 50 CFR part 679: the Chum Salmon Savings Area, and Catcher Vessel Operating Area (Figure 9 of 50 CFR part 679; §§ 679.21(e)(1)(vii), (e)(7)(vii); 679.22(a)(5)(ii), (7)(ii), and (10)). The experiment 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 50 CFR (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)).

F. Total Allowable Groundfish Harvest

The overall groundfish catch for the effective period September 1, 2011, to November 1, 2012, is not counted against the TACs and shall not exceed 7,500 metric tons (mt). Participating vessels will retain all pollock and may retain other groundfish species in accordance with the maximum retainable amounts at § 679.20(e) and (f), using only pollock as the basis species. Up to 7,500 mt

of groundfish taken during the experiment will not count against the TACs for groundfish species in the Bering Sea subarea for the experimental period between 2011 through 2012. Any additional groundfish taken as part of the EFP activities will be counted against the TACs.

If groundfish limits of 7,500 mt in the EFP are exceeded, the experiment may be terminated by the Regional Administrator.

G. Prohibited Species Catch (PSC)

Existing regulations governing retention and release of PSC species, as defined at § 679.21(b), will apply to the vessels participating in the experiment. The salmon and halibut taken during the EFP fishing is exempt from the PSC requirements under § 679.21(e)(1)(vii), (e)(3)(ii)(C) and (f)(2) during the EFP effective period.

The total authorized salmon bycatch is 5,125 non-Chinook salmon and 850 Chinook salmon for the EFP effective period. No more than 125 Chinook salmon may be taken in each of the 2011 and 2012 B seasons and no more than 600 Chinook salmon may be taken in the 2012 pollock A season as these seasons are specified in § 679.23.

Salmon retained during the experiment must be provided to a processor approved to participate in the Prohibited Species Donation Program (PSDP) under § 679.26. If such salmon meet the quality requirements of the PSDP, it 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(b).

H. Vessel Selection

The catcher vessel and catcher/processor previously selected to perform the duties of this project may have contracts extended or renewed to perform duties under this EFP. If a replacement vessel is used, the permit holder will follow the following procedures for the selection of the replacement vessel.

When a vessel selection process is used for the EFP research, the permit holder will formally disseminate application materials to trade associations for pollock vessel companies. Materials describing the experiment will detail the purpose of the EFP, application information required, groundfish catch and PSC limits for the experiment, and a description of the review process.

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 the experimental fishery, 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 the experiment. 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 the experiment, as detailed in the request for proposals.

The review of applications and selection of a vessel for the EFP will be conducted by the permit holder under the supervision of the Research and Conservation Engineering (RACE) Division of the Alaska Fisheries Science Center. RACE Division personnel reviewing applications will evaluate and recommend the most appropriate vessel(s) for the experiment. 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.

I. Requirements for Participating Vessels

The participants in the experiment are required to comply with the following provisions:

1. Supply facilities for sea samplers to conduct expanded species and size composition sampling; deck space for testing the device; and facilities for sorting salmon, as detailed in the fishing plan prepared during the selection process.
2. Follow all procedures and requirements of the field experiment. This will include installing and using an excluder built to the specification of the selected design and installing and using a recapture codend at the location of the excluder's "escape chute" as well as placing camera devices on the net for the measurement of excluder performance. The vessels selected for the EFP work also will conduct fishing operations in accordance to the requirements of the EFP, as detailed in the application materials for the experiment.
3. Take up to two sea samplers who will be aboard at all times while fishing pursuant to this EFP. EFP personnel will be provided to the EFP vessels, and all costs will be paid for by the North Pacific Fisheries Research Foundation. Sea samplers must be NMFS-certified observers who have the ability to perform the sampling duties required for the experiment.
4. Make available one or more crew members to assist sea samplers as needed. Crew members assigned to this role will work as assistants to the sea samplers so that expanded catch composition, biological sampling, and size distribution sampling required for this experiment can be carried out.
5. Provide all catch data needed for the analysis, including case counts, processing data, and other information on retained and discarded catch. Participants must submit all data from the EFP activities to the permit holder and NMFS personnel associated with this project. All data collected under this permit is discloseable to the public and is not confidential.
6. Stay within the groundfish catch and PSC bycatch limitations of the EFP as closely as possible. Keep catches as close as possible to the target quantity of catch per tow so that the limits on catch and bycatch are not met or exceeded prior to accomplishing the number of tows required for the experimental design.
7. Perform onboard sorting of salmon to achieve an accurate estimate of salmon catches. Otherwise, sorting must be done at the processor for the accurate estimate.
8. Abide by any adjustments in the experimental protocol deemed necessary by EFP and NMFS personnel.
9. If a flow scale is used, perform periodic tests to verify flow scale performance, according to directions of NMFS scientists involved with the EFP. For the EFP fieldwork of a catcher/processor, the NMFS approved flow scale will be tested, as required by 50 CFR 679.28.
10. Agree to participate in the experiment until its conclusion or termination in 2012, unless released from participation by the permit holder.
11. Participants in the experiment will be allowed to sell all groundfish that would be legally retainable under the terms and conditions set forth under Item F above. Adherence to the maximum retainable amounts at 50 CFR 679.20(e) and (f) includes discard of any species on PSC status at the time of the field experiment.
12. To ensure compliance with the experiment protocols, data from each day's fishing will be reviewed by the permit holder's onboard project manager(s). The permit holder will

- notify NMFS and the vessel if there are indications that a vessel is not meeting the requirements for participation in the experiment.
13. Have a valid Commercial Fishing Vessel Safety Decal issued within the past 2 years that certifies compliance with regulations found in 33 CFR Chapter I and 46 CFR Chapter I for the duration of participation in this project.
 14. Once notification is provided under C2. of this permit, conduct only EFP fishing allowed by this permit during the fishing trip, following all provisions in this EFP.

J. Administration of the Experiment

The permit holder will provide at least one project manager onboard each vessel participating in the experiment to facilitate communication between participants in the experiment, sea samplers, and NMFS personnel involved in the experiment. The project managers will be responsible for making sure unanticipated occurrences and problems are resolved in a manner that does not jeopardize the conduct or validity of the experiment.

The permit holder will be responsible for contacting NMFS if unanticipated problems arise that require adjustments to the experiment protocol. The project manager(s) will be responsible for making sure that NMFS personnel who have agreed to provide assistance (such as with flow scale performance or underwater camera gear) are able to perform such duties.

The permit holder, through the interaction of their project manager(s), is responsible for making sure each vessel in the experiment follows the protocol and other requirements of the experiment. Should the permit holder 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 permit holder 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.

The permit holder also will be responsible for the following activities in connection with this experiment:

1. Prepare written materials describing the purpose of the EFP project and the elements needed for incorporation into participant vessel applications. Set deadlines for and collect all application materials, including informing applicants of the completeness of their application (provided materials are received in a timely manner). Provide informational assistance before and during review of applications. Provide NMFS reviewers with copies of completed applications.
2. Provide paper and electronic forms as necessary for field work data collection.
3. Transcribe EFP data to electronic format, create working data set for the analysis, perform spot checks, and run standard diagnostics to locate outliers in the data and otherwise check for data entry errors.
4. Assist in technical analysis and prepare a draft and final EFP report.
5. Coordinate the collection, preservation, and shipment of salmon tissue samples and any coded-wire tagged snouts for analysis by the NMFS Auke Bay Lab personnel. The permit holder must ensure the project manager(s) follow the sampling plans and protocols

provided by NMFS.

K. Analysis of Results

Together with NMFS scientists, the permit holder will conduct an analysis of the data in 2012. A draft report will be prepared within four months after the conclusion of the experiment. The report will describe the following: the device(s) tested in the experiment, how the test was conducted, placement and other factors (such as towing speeds, water conditions, target catch rates, etc.), and performance of the device in terms of salmon bycatch reduction, target catch escapement, handling, and maintenance. The report will also include the total catch of each groundfish species and Pacific halibut in metric tons and the total number of each salmon species caught during EFP fishing. The report will be revised after initial review by the Scientific and Statistical Committee of the Council and any other technical review. The final written report will be prepared by the permit holder, in conjunction with NMFS, and will be made available to the Council for distribution to interested public.

L. Dissemination of Study Results

The permit holder will prepare a succinct report for the trawl industry explaining the results and basic statistical confidence in those results. The purpose of this report is to make interested industry parties aware of the performance of the salmon excluder device so that, in the case that the devices prove useful in producing significant decreases in salmon bycatch rates with minimal or justifiable losses in target species, this information can be adapted for industry use or further modification of the approaches developed in the EFP research.

This industry report will be disseminated free of charge to the public upon request and presented to the Council upon request of the Council. Data will be made available to researchers interested in performing more detailed studies.

M. Sanctions

Failure of the permit holder and/or the permitted vessel owners or operators 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 regulations promulgated thereunder, or any other applicable law, shall be grounds for revocation, suspension, or modification of this permit as well as civil or criminal penalties under the Magnuson-Stevens Act.

N. Waiver

The permit holder on his own behalf, and on behalf of all persons conducting activities authorized by the permit under his direction, waive any and all claims against the United States, and its agents and employees, for any liability whatsoever for personal injury, death, sickness or damage to property directly or indirectly due to activities under this permit.

**EXEMPTED FISHING PERMIT: #11-01
PERMITTED VESSEL**

Vessel Name:

Federal Permit Number:

USCG Official Number:

Owner Name:

Owner Address:

Phone:

Fax:

Length Overall (LOA):

Gross Tonnage:

Type of Vessel:

Homeport:

Signature(s) of Authorized 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.