

MEMORANDUM

TO: Council, SSC and AP Members
FROM: Chris Oliver *DO for*
Executive Director
DATE: November 27, 2012
SUBJECT: Review GOA pollock EFP

ESTIMATE TIME 6 HOURS (All C-1 Items)

ACTION REQUIRED

Review and approve exempted fishing permit (EFP) to test a salmon excluder in the GOA pollock fishery

BACKGROUND

An exempted fishing permit (EFP) application has been received by NMFS to test a salmon excluder device in the GOA pollock fishery in 2013 and 2014. A salmon excluder has been developed and tested for avoiding Chinook salmon in the Bering Sea pollock fishery. This EFP proposes to adapt the device for use in the GOA pelagic trawl fishery. The goal of the EFP is to refine the excluder device to better reduce Chinook salmon bycatch without significantly lowering pollock catch rates in the GOA. Development and testing of the device would occur from January 2013 through December 2014 for several weeks in the pollock A through D seasons. Testing during two or more seasons in each year would allow the excluder device to be assessed during pollock roe and non-roe bearing seasons and a variety of salmon abundance and weather conditions. Exemptions from regulations that are necessary for this EFP for from the Central GOA Chinook salmon PSC limits, halibut PSC limits, retention requirements and trip limits for pollock, selected observer requirements, closures for the pollock directed fishery, and specified total allowable catch (TACs) for pollock. A letter from NMFS to the Council regarding this application is attached as Item C(1)(a)(1). The EA and the EFP application were mailed to the SSC in November. Additional copies will be available at the meeting.

AGENDA C-1(a)
DECEMBER 2012



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

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

November 14, 2012

RECEIVED

NOV 19 2012

Mr. Eric Olson, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501

Dear Mr. Olson:

We have received an application from Mr. John Gauvin of Gauvin and Associates, LLC., for an exempted fishing permit (EFP) to develop a salmon excluder device for the Central Gulf of (GOA) Alaska pollock trawl fishery. The purpose of the project is to adapt the salmon excluder device developed in the Bering Sea under EFPs 08-02 and 11-01, to the GOA pelagic trawl groundfish fishery. The goal of the EFP would be to reduce Chinook salmon bycatch, refine the Chinook salmon excluder device, and to accomplish that without significantly lowering pollock catch rates. Issuance of EFPs is authorized by the Fishery Management Plan for Groundfish of the GOA and its implementing regulations at 50 CFR 679.6, Exempted Fisheries. We are providing this application and additional information to the North Pacific Fishery Management Council (Council) as required by 50 CFR 600.745(b)(3)(i).

The EFP would allow for development and testing of the salmon excluder device from January 2013 through December 2014, for several weeks in the pollock A through D seasons. Testing in two or more seasons each year would allow the excluder device to be assessed during pollock roe and non-roe bearing seasons, and in a variety of salmon abundance and weather conditions.

To test the salmon excluder device, exemptions would be necessary from regulations for Central GOA Chinook salmon prohibited species catch (PSC) limits, halibut PSC limits, retention requirements and trip limits for pollock, selected observer requirements, closures for the pollock directed fishery, and specified total allowable catch amounts (TACs) for pollock. The taking of Chinook salmon during the experiment is crucial for determining the effectiveness of the salmon excluder device. Chinook salmon taken during the experiment would not be counted toward the Chinook salmon PSC limits under § 679.21(h)(2)(i). The amount of Chinook salmon PSC by the pollock trawl industry during the EFP could approach the Central GOA Chinook salmon PSC limits of 18,316 Chinook salmon. If Chinook salmon caught during EFP fishing were counted against the Chinook salmon PSC limits, those requirements would impede the participating trawl vessels from catching a sufficient sample size of Chinook salmon required for testing the salmon excluder device and may cause the closure of the Central GOA pollock fishery. Information



regarding the Chinook salmon PSC limits for Central and Western GOA established under Amendment 93 was published in the *Federal Register* on July 20, 2012 (77 FR 42629).

Up to 2,400 Chinook salmon would be required for each year (2013 and 2014) in the A through D seasons, for a total of 4,800 Chinook salmon over the two-year EFP. In order to ensure enough salmon is encountered during the testing, up to 4,608 metric tons (mt) of pollock would be provided under the EFP for the two-year period. The experimental design requires this quantity of salmon and pollock to ensure statistically valid results. The applicant also has requested an exemption from inseason pollock closures (§ 679.7(a)(2)), retention of incidental catch of pollock up to the maximum retainable amount (§ 679.20(d)(1)(iii)(B)), Chinook salmon PSC limits (§ 679.21(h)(2)(i)), halibut PSC limits (§ 679.21(d)(3)), daily pollock trip landing and retention limits (§ 679.7(b)(2)(i) and (b)(2)(ii)), selected observer requirements (§ 679.50), and proposed observer requirements. Additional exemptions from 50 CFR part 679 are anticipated for amendments to observer regulations, following the publication of the final rule to restructure the North Pacific Groundfish Observer Program (Observer Program). The proposed rule was published in the *Federal Register* on April 18, 2012 (77 FR 23326). Implementation of the restructured Observer Program is scheduled for January 2013.

The applicant reports that EFP fishing under this permit is likely to incidentally harvest up to approximately 4.0 mt of halibut. If the permit is issued, NMFS would exempt the vessels participating in the EFP from halibut PSC limits at § 679.21, and as specified in the GOA 2013 and 2014 annual harvest specifications. A catch of 4.0 mt of halibut for this EFP would represent approximately 0.2% of the annual GOA trawl apportionment.

The research catch associated with this EFP has been accounted for as a source of mortality in the Western, Central, and West of Yakutat (W/C/WYK) GOA pollock stock biomass. At the October 2012 Council meeting, the presentation for groundfish harvest and specifications included a discussion of how the W/C/WYK GOA pollock biomass could be reduced for 2013 and 2014 by 2,400 mt of pollock, prior to estimating the overfishing level (OFL) and acceptable biological catch (ABC) to account for each year of pollock removals from the EFP. When the projected EFP catch is applied to the biomass in the 2013 stock assessment model for GOA pollock, the OFL would be reduced from 155,402 mt to approximately 155,000 mt. That would reduce the 2013 (and 2014) ABC by a similar amount. This removal of the projected EFP pollock mortality in the stock assessment provides a conservative method to fully account for EFP mortality in establishing the OFL and ABC, so that these catches are accounted for in the harvest specification process. To avoid double counting EFP catch, at the end of each year of experimental fishing, pollock catch from the EFP would not be included in the catch accounted for against the W/C/WYK GOA pollock ABC or TAC. Because very little groundfish incidental catch occurs in the pollock fishery, the harvest of other groundfish fish species during the EFP fishing is expected to be no greater than approximately 4 percent of the groundfish taken during the fishery (96 mt per year). The majority of these other groundfish species harvested under the EFP likely would be only small amounts of arrowtooth flounder, Pacific cod, shallow-water flatfish, deep-water flatfish, and rex sole. The amount of groundfish harvest under the EFP and

by the commercial groundfish fisheries is not expected to cause total groundfish catch to exceed the ABCs for groundfish species in either 2013 or 2014.

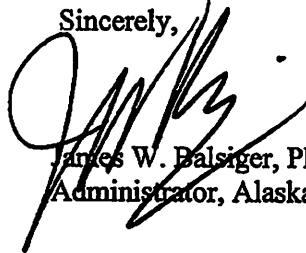
EFP fishing would be conducted by one or two pelagic trawl catcher vessels. These vessels would be exempted from the observer requirements at § 679.50. The applicants would use “sea samplers” who are NMFS-trained observers. They would not be deployed as NMFS observers, however, at the time of the EFP fishing. The “sea samplers” would conduct the EFP data collection, collect tissue samples for genetic assessment of stock of origin, and perform other observer duties that normally would be required for vessels directed fishing for pollock.

To assure that this EFP complies with the Endangered Species Act (ESA), NMFS Alaska Region is consulting with the NMFS Alaska Protected Resources Division and with NMFS, Northwest Region on four ESA-listed species. Steller sea lions (SSL) from the Western Distinct Population Segment (DPS) are located in the EFP action area, and pollock caught by vessels participating in the GOA groundfish fishery are prey species for SSL. While Cook Inlet beluga whales are not located in the EFP action area, Chinook salmon are a prey species for beluga whales. A Section 7 consultation for Cook Inlet beluga whales is necessary because the potential exists for Chinook salmon taken during the EFP to be part of the prey field for the Cook Inlet beluga whales. Chinook salmon are also a prey species for the Southern Resident killer whale DPS. The proposed action does not occur within areas defined as critical habitat for Southern Resident killer whales, which range from southern British Columbia through Washington and Oregon. Because of the potential for Chinook salmon originating in the Pacific Northwest to migrate and rear in waters adjacent to or in the action area, an ESA Section 7 consultation is required on Southern Resident killer whales. Evolutionarily significant units (ESUs) of Chinook salmon from the ESA-listed Upper Willamette River and Lower Columbia River Chinook may migrate or rear in broad areas of the North Pacific and British Columbia, potentially including the limited EFP pelagic trawl locations in the Central GOA. NMFS is also pursuing ESA consultation on these salmon species. ESA-listed ESUs of Chinook salmon are taken in the GOA pollock fishery. Because this EFP allows Chinook salmon to be taken above the PSC limit, additional adverse effects on Chinook salmon may occur, triggering ESA Section 7 consultation.

The activities proposed for this EFP are not expected to have a significant impact on the human environment. Under regulations at § 679.6, we have consulted with the Alaska Fisheries Science Center (AFSC), and have determined that the application contains all the information necessary to judge whether the proposal constitutes a valid fishing experiment appropriate for further consideration. We are also consulting with the Council by forwarding the application to you, as required by § 679.6(c)(2).

We understand that you have scheduled review of the enclosed application at the Council's December 2012 meeting. We will publish a notice of receipt of the application in the *Federal Register* with a brief description of the proposal. Enclosed is a copy of EFP application, the AFSC's approval of the experimental design, and the environmental assessment.

Sincerely,



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

Enclosures:

Alaska Fisheries Science Center EFP design approval
Draft environmental assessment with EFP application

PUBLIC TESTIMONY SIGN-UP SHEET

Agenda Item: C-1(a) Salmon Excludes EFP

	NAME (PLEASE PRINT)	TESTIFYING ON BEHALF OF:
1	Bob Krueger	AK Whitefish Trainers Assoc.
2	Jule Bonney	ALDB
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person " to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

C-1(a) GOA Pollock EFP

The AP recommends that the Council approve the EFP Alternative 2, and recommends that an exemption from the forage fish MRA be included. *Motion passed 20/0.*

Rationale:

- * *This is important work to further develop tools for the Central GOA pollock fleet to reduce Chinook salmon bycatch.*
- * *This EFP provides an opportunity to create solutions to salmon bycatch problems and we need an opportunity to work on some of these tools outside of normal fishery management.*
- * *There is a big difference in horse power and size of boat boats in the CGOA compared to the Bering Sea, so additional work is needed to adapt excluders to the Bering Sea.*
- * *While this EFP requires additional Chinook PSC, it should help us reduce Chinook PSC overall in the future.*
- * *An exemption from the forage fish MRA will ensure that the EFP can take place without being restricted by this limitation.*