



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**

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

May 15, 2014

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

Dear Mr. Chairman:

We have received an application from Mr. John Gauvin of Gauvin and Associates, LLC., for an exempted fishing permit (EFP) to continue development of a salmon excluder device for the Bering Sea pollock trawl fishery. The purpose of the EFP would be to improve performance of the salmon excluder device developed under EFP 11- 01 from 2011 to 2012, to reduce chum and Chinook salmon bycatch, without significantly lowering pollock catch rates. Issuance of EFPs is authorized by the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area 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 testing of the salmon excluder device from January 2015 through June 2016, for several weeks in each pollock A and B season. Testing in each season would allow the device to be used under salmon occurrence and pollock fishing practices specific to each season. Testing in the A season would catch primarily Chinook salmon and roe-bearing pollock, while testing in the B season would catch Chinook and chum salmon and pollock that are not likely to be roe-bearing. EFP fishing would be conducted by one to two vessels in each season. The EFP would be subject to modifications pending any new relevant information regarding the 2015 and 2016 fishery, including pollock harvest specifications or restructuring of the salmon bycatch management program.

To test the salmon excluder device, exemptions would be necessary from regulations for salmon bycatch management, observer requirements, several closure areas, and total allowable catch amounts (TACs) for groundfish. Taking salmon during the experiment is crucial for determining the effectiveness of the device. Salmon taken during the experiment would not be counted toward the Chinook and chum salmon bycatch limits under § 679.21(e)(1)(vii) and (f)(2). The amount of chum salmon bycatch by the pollock trawl industry during the EFP period could potentially approach or exceed the Chinook or chum salmon bycatch limits. If the EFP salmon were counted toward the salmon bycatch limits, the EFP salmon may create an additional burden on the pollock trawl fishermen not participating in an intercooperative agreement for chum salmon or incentive plan agreement for Chinook salmon bycatch reduction by causing earlier closures of the Chum Salmon Savings Area or violating the plan agreement for Chinook salmon.



Approximately 250 chum salmon and 600 Chinook salmon for each of the 2015 and 2016 A seasons and 2,500 chum salmon and 250 Chinook salmon for the 2015 B season would be required to support the project. In total, the applicant would be limited to harvesting 3,000 chum salmon and 1,450 Chinook salmon during the EFP period. The experimental design requires this quantity of salmon to ensure statistically valid results.

The applicant also has requested an exemption from the Chum Salmon Savings Area (§§ 679.21(e)(7)(vii) and 679.22(a)(10)), the Bering Sea Pollock Restriction Area (§ 679.22(a)(7)(ii)), and the Steller Sea Lion Conservation Area (§ 679.22(a)(7)(vii)). These overlapping closure areas occur in locations of salmon concentration. The experiment must be conducted in areas of salmon concentration sufficient to ensure a statistically adequate sample size. These areas provide ideal locations for conducting the experiment to ensure that the vessel encounters sufficient concentrations of salmon and pollock for meeting the experimental design.

Groundfish taken under the EFP would be exempt from the TACs specified in the annual harvest specifications (§ 679.20). A total of 2,500 metric tons (mt) of groundfish (primarily pollock) would be taken during each season of the EFP for a total of 7,500 mt over the duration of the EFP. The experimental design requires this quantity of pollock to ensure a statistically adequate sample size for measuring pollock escapement through the salmon excluder device. The EFP pollock harvest would not be included in the harvest applied against the Bering Sea groundfish TACs, including the 2014 pollock TAC of 1,267,400 mt. The preliminary 2015 TAC for Bering Sea pollock is equal to the acceptable biological catch (ABC) at 1,258,000 mt, but the TAC is likely to be adjusted during the 2015/2016 harvest specifications process and may result in a TAC less than ABC (79 FR 12108, March 4, 2014). TAC and ABC have not been specified for the 2016 fishing year at this time. The EFP fishing will be permitted for this proposed action if the ABC for Bering Sea pollock exceeds the TAC by at least 5,000 mt in 2015 and 2,500 mt in 2016.

Because of very little groundfish incidental catch in the pollock fishery, the harvest of other fish species during the EFP fishing is expected to be 50 mt to 80 mt per season. The majority of these other species harvested under the EFP likely would be Pacific cod, skates, flatfish, halibut, and jellyfish. The amount of groundfish harvest under the EFP and by the commercial groundfish fisheries is not expected to cause the acceptable biological catches (ABCs) to be exceeded for groundfish species in either 2015 or 2016 because the BSAI pollock and other groundfish ABCs can be set with a sufficient difference between ABC and TAC to accommodate EFP fishing catch of pollock and other groundfish. The EFP is expected to take approximately 12 mt of halibut per season for a total of 12 mt of halibut in 2015 and 24 mt of halibut in 2016. The EFP would require an exemption from halibut PSC limits under § 679.21(e)(3)(ii)(C). The halibut taken under the EFP in combination with the groundfish fisheries is not expected to exceed the halibut PSC harvest specifications in 2015 or 2016.

Using a catcher/processor would require exemption from the Catcher Vessel Operational Area (CVOA) restriction (§ 679.22(a)(5)) because of the location of the Chinook salmon concentration in the CVOA. Catcher/processors are prohibited from operating in the CVOA

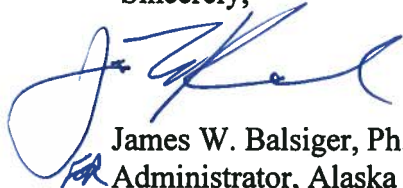
during the B season. The EFP fishing may be done by either a catcher vessel or a catcher/processor. It may be necessary for the EFP applicant to use a catcher/processor to conduct tows in this area to ensure encountering sufficient pollock and salmon concentrations.

The EFP would include an exemption from selected observer requirements at §§ 679.50, 679.51, and 679.55. 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 and perform other observer duties that normally would be required for vessels directed fishing for pollock. EFP fishing trips also will be exempted from observer requirements for trip selection and fee collection.

The activities under the 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 initiating consultation 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 June 2014 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 the EFP application, the AFSC’s approval of the experimental design, and the draft environmental assessment.

Sincerely,



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

Enclosures:  
EFP application  
AFSC EFP design approval  
Draft EA




**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL MARINE FISHERIES SERVICE**

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Seattle, Washington 98115-0070

10 February 2014

**MEMORANDUM FOR:** James W. Balsiger  
Administrator, Alaska Region

**FROM:** Douglas P. DeMaster   
Science and Research Director, Alaska Region

**SUBJECT:** Exempted Fishing Permit (EFP) Application from Gauvin and Associates for Continuation of Testing a Salmon Excluder Device for the Bering Sea Pollock Fishery

AFSC staff has reviewed the attached Exempted Fishing Permit (EFP) application from Gauvin and Associates. The proposed research is well described in this request. The proposed methods demonstrate a level of experience and forethought likely to result in a strong probability of effectively assessing the performance of the salmon excluder aboard Bering Sea trawlers. We therefore recommend approval of this request for an EFP.

cc: F/AKC1 – J. Napp  
F/AKR - J. Hartman

