



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

January 15, 2016

Dan Hull, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501

Re: Review of an Exempted Fishing Permit application to test handling methods for reducing halibut mortality in the non-pelagic trawl fishery

Dear Chairman Hull:

On December 16, 2015, NMFS received an application from Mr. John Gauvin on behalf of the Alaska Seafood Cooperative and co-applicants, for an exempted fishing permit (EFP). We are providing the application to the U.S. Coast Guard, International Pacific Halibut Commission (IPHC), State of Alaska, and the North Pacific Fishery Management Council (Council), as required by 50 CFR 600.745(b)(3)(i) and 50 CFR 679.6(c)(2). This EFP would allow operators of non-pelagic trawl catcher/processors named on the EFP to sort halibut on deck rather than routing halibut over the flow scale and below deck. The purpose of the experiment is to continue to test methods that reduce halibut mortality in flatfish fisheries by reducing the amount of halibut handling and time out of water. 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.

The EFP application was developed in cooperation with NMFS staff. On January 11, 2016, the Alaska Fisheries Science Center found the EFP application constitutes a valid fishing experiment appropriate for further consideration. The study conducted under this EFP would begin in May 2016 and continue until the end of 2016. The EFP would allow participating non-pollock trawl catcher/processors in the Bering Sea and Aleutian Islands to sort halibut removed from a codend on the deck of the vessel and release those fish back to the water after sampling halibut for length and condition using IPHC halibut mortality assessment methods. The objectives of the EFP application are to 1) test methods for sorting halibut on deck for suitability as an allowable fish handling mode for the non-pollock catcher/processor trawl fisheries (Amendment 80, Community Development Quota (CDQ), and trawl limited access) in the Bering Sea and Aleutian Islands under an eventual regulated program; 2) simplify and improve on elements that worked under a 2015 deck sorting EFP project; and 3) address challenges and issues that arose in the 2015 EFP.

This proposed action would exempt participating catcher/processors from selected 50 CFR 679 prohibitions, and monitoring and observer requirements. Should



NMFS issue the permit based on this EFP application, the conditions of the permit will be designed to minimize halibut mortality, and any potential for biasing estimates of groundfish and halibut mortality. Vessels participating in EFP fishing may be exempt from, at minimum, the following regulations:

1. the prohibition against interfering with or biasing the sampling procedure employed by an observer including physical, mechanical, or other sorting or discarding of catch before sampling, at § 679.7(g)(2);
2. the requirements to weigh all catch by an Amendment 80 vessel on a NMFS-approved scale at § 679.93(c)(1) and by all vessels at § 679.28(b); and
3. the requirement to return all prohibited species, or parts thereof, to the sea immediately, with a minimum of injury, regardless of its condition at § 679.21(b)(2)(ii).

The EFP applicants seek exemptions to regulations that NMFS currently requires for monitoring and enforcement of the Amendment 80, CDQ, and Trawl Limited Access sectors to ensure proper accounting for allocated quota and prohibited species. NMFS believes that allowing observers access to unsorted catch and ensuring that all catch is weighed prior to sorting are essential to ensure accurate reporting by these sectors. Approval of this EFP would not constitute NMFS's endorsement of large scale revisions to these longstanding monitoring and enforcement safeguards in these fisheries.

The research to be conducted in this EFP is an extension of the EFPs conducted by the Amendment 80 sector in 2009, 2012, and 2015. The amount of halibut savings under the 2009 and 2012 EFP was estimated to be 17 mt and 10.8 mt, respectively. Substantial reductions in halibut mortality were also achieved under the 2015 EFP—the preliminary estimate of halibut savings from the 2015 EFP is 131 mt. This EFP application does not request any additional target or prohibited species catch (PSC) beyond the 2016 groundfish allocations and PSC apportionments for each sector. As such, the amount of halibut mortality accrued by EFP and non-EFP vessels combined would not exceed the sector's halibut mortality limit.

After reviewing the proposed EFP in relation to NOAA Administrative Order (NAO) 216-6, NMFS has determined that the proposed EFP research would not have a significant effect on the human environment. Specifically, the proposed action qualifies for a Categorical Exclusion under section 6.03c.3(a) because it is a research program of limited size and magnitude with no effect on the environment and for which any cumulative effects are negligible.

We are initiating consultation with the Council by forwarding the application, as required by 50 CFR 679.6(c)(2). We understand that you have scheduled Council review of the proposed project at the Council's February 2016 meeting. Please notify Mr. John Gauvin of John Gauvin Associates, of your receipt of the application and invite him to appear before the Council during the February meeting in support of the application. We will publish a notice of receipt of the application in the *Federal Register* with a brief description of the proposal.

Sincerely,



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

Enclosures:

EFP Application

AFSC memorandum of approval of the experimental design

Categorical Exclusion supporting this proposal