



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701-5505
<https://www.fisheries.noaa.gov/region/southeast>

F/SER25:FH

Mr. John Carmichael, Executive Director
South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, South Carolina 29405

Dear Mr. Carmichael:

Enclosed is a request from Sustainable Seas Technology to obtain an exempted fishing permit (EFP). The application submitted to NOAA Fisheries involves the testing of Subsea Buoy Retrieval Systems (SBRS) in the commercial black sea bass pot component of the snapper-grouper fishery in federal waters of the South Atlantic. If granted, the EFP would allow the deployment of modified black sea bass pots in the federal waters of the South Atlantic. The project seeks to build upon previous research and continue to examine the potential usefulness of the modified pot gear in minimizing impacts to protected species. This would be the third EFP authorizing this proposed research. NOAA Fisheries approved the first EFP (August 24, 2020, through October 20, 2020) for the pilot research that allowed gear testing outside the black sea bass pot closed season. NOAA Fisheries approved a second EFP on February 2, 2022, that was similar to the first EFP but it allowed testing during the black sea bass pot closed season. As described below, the proposed EFP would allow gear testing year round, including the closed season, and would be valid through April 30, 2025, commencing on the date the EFP is issued. This proposed EFP would also provide additional time to train new participants and test with the gear, to perform configuration adjustments, and to liaise with manufacturers on modifications that might best suit the black sea bass pot component of the snapper-grouper fishery.

The EFP would exempt these research activities from federal regulations specific to the black sea bass pot component of the snapper-grouper fishery in federal waters of the South Atlantic at 50 CFR 622.183(a), 622.183(b), 622.189(b), 622.189(g), and specific to the Atlantic large whale take reduction regulations at 50 CFR 229.32(b)(1-3), 229.32(C)(1)(i), and 229.32(C)(vi)(D and E).

SBRS are an example of innovative gear that store buoys and their retrieval devices at depth. These systems exist in the water column for minutes instead of hours or days as they are activated via acoustic or timed releases only when fishers are present. Vertical end lines and buoys that are attached to pots present an entanglement risk to the critically endangered North Atlantic right whale (NARW), a species that migrates and calves off the South Atlantic coast in the winter months. Adaptation of SBRS or “ropeless” systems for this style of pot fishing could remove nearly all risk to these whales and other marine animals that suffer entanglements. The proposed research seeks to determine: 1) if the SBRS gear will continue to show a greater than >99% successful deployment and retrieval rate, 2) if SBRS gear significantly increases time or expense for retrieval and recovery versus the current fishing method such that it might affect profitability, 3) if SBRS gear significantly increases time or expense for repacking of gear for redeployment versus the current fishing method such that it might affect profitability, 4) if bycatch rates for a modified black sea bass pot design are greater than the traditional single pots, and 5) if the harvest of black sea bass in the preferred inshore areas currently closed, will still yield enough catch to offset the cost of SBRS fishing gear and modifications.

During reliability testing in the initial pilot projects, researchers worked with ten fishermen on three vessels testing various gear configurations to assess issues of safety, reliability of devices, efficiency, fishability, and researcher and fisher learning curve. At the conclusion of the first trial fishing season



(fishing single pots), the applicant demonstrated a 99.4% success rate of the devices (n=804 deployments). In February 2022, the research group was granted a second EFP, this time to perform fishing and testing activities during the time-area closure. In trials conducted in February and March 2022, all ropeless gear tested to be 100% reliable (n=144) when properly trained, experienced researchers and fishermen were operating the devices.

The initial positive results have resulted in interest from other black sea bass pot endorsement holders. To minimize the occurrence of human error while operating ropeless systems during the right whale calving season, these additional fishers would need to be trained during the regular black sea bass fishing season, which requires a new EFP. This modified EFP would provide additional time to train and test with the gear, to perform configuration adjustments, and to liaise with manufacturers on modifications that might best suit this pot fishery.

Participating federally permitted commercial fishers would deploy experimental gear for up to 10 days each year in supervised field trials and additional unsupervised fishing trials, not to exceed 2,500 gear hauls, to evaluate the performance of SBRS with both the experimental and standard black sea bass pot configurations. Sampling would occur opportunistically year round, including during the November 15 through April 30 seasonal closure in water depths of 20-65 m off the coast of each South Atlantic state. Black sea bass pots would be fished as singles and as experimental configurations in inshore areas. This would be done to compare against control pots previously fished to yield data relative to the time expended to retrieve and rebait traditional traps per current regulations. Average soak times would be 90 minutes for timed releases. Some overnight sampling would occur for acoustic releases. The experimental gear and configurations of black sea bass pots would be fished on live bottom with ropeless gear and without persistent vertical endlines and buoys and recorded with virtual GPS gear marking applications. Virtual gear marking (marking of deployment location with chartplotters, GPS, and software) would be utilized and evaluated, with analysis of the interoperability of systems being shared with management partners.

Any gear modifications or alterations in rigging would be made through consultation with regional and federal management agencies and in collaboration with individual fishers and industry partners. Fishers participating in this initiative are assumed to be receiving grant funding and/or self-funding the work. Fishers would keep and sell all legal catch. The applicant would consult with NOAA Fisheries to ensure the research design and fishing activities are in congruence with NARW conservation measures currently in place.

For your review, please find enclosed the application for this proposed activity. Please contact us should you have questions or concerns about issuance of this EFP. If you need additional information, please contact Frank Helies at (727) 824-5305.

Sincerely,

Andrew J. Strelcheck
Regional Administrator

cc: John McGovern, Ph.D.
Rick DeVictor
Monica Smit-Brunello

Enclosure