



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 EFP would be valid through August 31, 2024, commencing on the date the EFP is issued. The application submitted to NOAA Fisheries involves the testing of Acoustic Subsea Buoy Retrieval Systems (ASBRS) 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.

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). The proposal is summarized below.

ASBRS 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 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 ASBRS 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 ASBRS gear will show a greater than >99% successful deployment and retrieval rate, 2) if ASBRS gear significantly increases time or expense for retrieval and recovery versus the current fishing method such that it might affect profitability, 3) if ASBRS 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 (“4by”) 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 ASBRS fishing gear and modifications.

The first phase of work would be to familiarize the fishers with ASBRS gear, using mock-up traps (with no entrances for fish) as allowable by law, during a knowledge exchange in Townsend, Georgia. A “Learning-Teaching-Mastery” plan would be used during fisher dockside



training and fishing trials to quantify and understand learning curves for the various devices. The plan would yield basic data about the ease of adaptation to the experimental buoy designs and success of acoustic deployments and retrievals, and to gain valuable fisher-provided feedback on the virtual gear marking software, as well as those products that accompany the various ASBRS. Camera and film recordings of fish, trap, ASBRS, and participant behavior would be utilized to ensure safety of both intended target catch and sub-legal species as well as nearby marine animals and participants.

Participating 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 2,000 gear hauls, to evaluate the performance of ASBRS with both the experimental and standard black sea bass pot configurations. Sampling would occur from November 15 through April 30 of each year in water depths of 20-65 meters off the coast of each South Atlantic state. Black sea bass pots would be fished as singles and 4bys in inshore areas. This would be done during the closure periods 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 a draft EFP 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