



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
 NATIONAL MARINE FISHERIES SERVICE  
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F/SER24:PH

MAR 23 2010

Dr. Robert L. Shipp, Chair  
 Gulf of Mexico Fishery Management Council  
 2203 North Lois Avenue  
 Suite 1100  
 Tampa, Florida 33607

*B.L.*  
 Dear ~~Dr.~~ Shipp:

This letter advises you NOAA's National Marine Fisheries Service (NOAA Fisheries Service) has received 46 comments regarding the exempted fishing permit (EFP) application from Mr. Thomas Haugen. Most of the comments (34) were against NOAA Fisheries Service issuing the EFP and 12 were in favor of doing so. In addition, the Southeast Fisheries Science Center (SEFSC) has reviewed the EFP application.

Comments against issuing the EFP application were primarily from people and organizations who generally were opposed to fish traps being used in the Gulf of Mexico. Their complaints centered on the damage fish traps cause to habitat, ghost fishing from lost traps, the wide variety of non-target species caught by fish traps, and problems enforcing fish trap regulations. Others felt fish traps were too efficient at catching red grouper and, if allowed to be used in the fishery, could contribute to the overharvest of this species. Specific to the EFP, several comments suggested the number of traps to be tested was too high or were opposed to using the traditional fish traps as a control. Some felt this was a way for Mr. Haugen to circumvent current regulations and be allowed to profit from using fish traps. Several suggested this type of testing should be done by government or academic organizations.

Comments in support of the EFP application focused primarily on how bycatch is a major issue in the reef fish fishery and that Mr. Haugen's design is an attempt to reduce this bycatch with a more selective gear type. It was also pointed out that design features of the trap are different from traditional fish traps and avoid many of the negatives associated with this type of gear. Some of the comments also pointed out that Mr. Haugen's design had placed well in the World Wildlife Federation's (WWF) Smart Gear Competition in 2009; however, the WWF requested Mr. Haugen provide data on the effectiveness of the device before considering it further in the competition. Finally, several comments pointed out that because Mr. Haugen would be supporting this research by selling his catch, this study would be of no cost to the government.

Comments from the SEFSC (enclosed) mainly focused on the lack of sufficient information in the application to properly evaluate the scientific adequacy of the proposal. They raised concerns regarding the sampling design, trap design, data to be collected, and analyses to be



performed. Until these concerns are addressed, the SEFSC cannot address the scientific merit of the application.

To further evaluate this EFP application, I would like to have a discussion of this EFP added to the agenda for the Gulf of Mexico Fishery Management Council's April 2010 meeting. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roy E. Crabtree', written in a cursive style.

Roy E. Crabtree, Ph.D.  
Regional Administrator

Enclosure



UNITED STATES DEPARTMENT OF COMMERCE  
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February 22, 2010

F/SEC2: TJ

**MEMORANDUM TO:** Roy E. Crabtree, Ph.D.  
Regional Administrator, Southeast Regional Office

**FROM:** Bonnie Ponwith, Ph.D. *Thos R. Baines*  
Science Director, Southeast Fisheries Science Center

**SUBJECT:** SEFSC Certification of Sufficient Information to Validate a Request  
for an Exempted Fishing Permit

The Southeast Fisheries Science Center (SEFSC) reviewed the Exempted Fishing Permit (EFP) application of Mr. Thomas Haugen to study the effectiveness of a size-selective fish trap of his design in federal waters off Florida from April 1, 2010 to March 31, 2011. The proposed research project, including the trap design, does not contain the necessary information needed to evaluate the scientific merits of the EFP application. The following are some of the key scientific issues and concerns of the SEFSC:

1. The coordinate system used to designate the location of the boundary points within which experimental fishing will be conducted should be specified (e.g., degree-minute-second coordinate system). In studies of trap impacts to coral reefs in the U.S. Caribbean, it was found that up to 60% of the traps cause some sort of damage to structural organisms in hard bottom or reef habitats, e.g., corals, gorgonians, sponges. The benthic habitats within the sampling area need to be identified in order to assess the potential damage of the proposed experimental fishing activities to the benthos, including Essential Fish Habitat (EFH).
2. From the application, it appears the intention is to fish for 5 days as a pilot study, then experimentally fish for 15-30 days or so with two boats each carrying 100 traps (50 traditional traps and 50 "Excluding Fishing Devices" or EFDs) that will be set at 1-2 times per day. After this experimental fishing period, further modifications to the gear will be made based on the results of the tests to optimize performance and specific excluding properties. Thereafter the two boats will continue to fish using only the modified EFDs for the remainder of the year. However, neither a research plan nor experimental design has been presented for the activities that will be conducted after the experimental fishing period.
3. For comparison purposes, different size and shape of traps will be used, which could have an effect on comparisons of catchability. The study conducted by Bohnsack, et al. (1989) showed the effects of fish trap mesh size on reef fish catch off Southeastern Florida. While the overall dimensions of the traps were specified (i.e., traditional traps to be used are 2' x 3' and experimental traps are 2' x 5') the proposal did not provide information on the mesh size of the

traps that will be used. A clearer and more detailed design drawing of the proposed trap should also be included, especially the dimensions and position of the excluder bars.

4. It was not clear what data will be recorded. No provisions were provided for having a scientific observer on-board during the study to verify results. It is not stated whether bycatch will be recorded and reported including details of species composition, and the sizes of retained fish, live releases, and dead discards.
5. A more detailed experimental/scientific design is necessary to determine if the study can adequately address the stated research objectives,. Aside from the lead fisherman who will conduct the test fishing operations, the proposal did not identify the scientist(s) and/or partner agencies who will be involved in designing the experiment, processing the data, analysis of the results, and writing the report for this research project. The SEFSC has not received an official request from the author to participate in this proposed research project.
6. The width of red grouper which can enter and then escape is determined by the spacing of the excluder bars. Since fish length is what is being regulated, it will be necessary to determine the relationship between bar width to fish length.
7. There are still by-catch issues that need to be considered and addressed in the proposal. Entrance bars will be placed farther apart to allow large grouper (and other non-targeted species) to enter. However, the shape of the non-targeted species will determine their ability to escape through the (slightly smaller) exit bars. Also, fish escaping while the traps are on their way up might still be targeted by dolphins, jacks, or other predators.
8. No information was provided as to how the pick up line would be attached to the trap. This raises two issues:
  - 8.1. If the funnel entrance opening end is brought up first, it is likely that unwanted fish will try to escape by going down and out the exit funnel. It was not clear what minimum size opening is used for the exit funnel. If the exit funnel area is blocked by the catch, undersized grouper could still be captured. This possibility is partially determined by the way the trap is hauled to the surface, i.e., speed and angle of ascent are key factors.
  - 8.2. Impact on Mammals and Sea Turtles. If a two point attachment bridle is used to pick up the trap, the opening in the bridle could be an entanglement hazard for marine mammals and sea turtles. Even a single line alone presents some entanglement risk. Sea turtles have been documented attacking traps and getting entangled in lines.
9. Ghost fishing is still a concern. Jute string to hold the escape panel material may be effective depending on how they are tied. It was not stated what type of GTR (galvanic timed release) will be used and how often they will be replaced. Research indicated that the attachment material can be highly variable in its effectiveness depending on environmental conditions and specific method of attachment. The Caribbean Fishery Management Council guidelines on this matter may be useful and should be consulted.

Thank you for providing the Science Center with the opportunity to review Mr. Haugen's EFP application. In view of the above comments, the following studies and publications are also provided to help improve the proposal:

- Blott, A. J. 1978. *A preliminary study of timed release mechanisms for lobster traps*. Mar. Fish. Rev. 40(5-6):44-49.
- Bohnsack, J., Sutherland, D., Harper, D., McClellan, D., Hulsbeck, M. and Holt, C. 1989. *The effects of fish trap mesh size on reef fish catch off Southeastern Florida*. Marine Fisheries Review 51(2):36-46.
- Garrison, V.H., Rogers, C.S., and Beets, J. 1998. *Of reef fishes, overfishing and in situ observations of fish traps in St John, U.S. Virgin Islands*. Revista de Biologia Tropical 5: 41-59.
- Selliah, N., Oxenford, H. and Parker, C. (2001) *Selecting biodegradable fasteners and testing the effects of escape panels on catch rates of fish traps*. Proceedings of the Gulf and Caribbean Fisheries Institute 52, 634-653.
- Stewart, J. and Ferrell, D.J. 2002. *Escape panels to reduce by-catch in the New South Wales demersal trap fishery*. Marine and Freshwater Research 53: 1179-1188.

Cc: F/SER – Peter Hood  
F/SEC – Theo Brainerd  
F/SEC – Peter Thompson  
F/SEC – Tom Jamir  
F/SEC – Sophia Howard