

BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA
GROUNDFISH FISHERY
EXEMPTED FISHING PERMIT
AUTHORITY: 50 CFR 600.745(b) AND 50 CFR 679.6

MODIFIED PERMIT #2018-03-02 - RENEWAL

The Administrator, Alaska Region, National Marine Fisheries Service (NMFS), authorizes vessel(s) acting under the direction of the permit holder, Mr. John Gauvin, Gauvin and Associates, LLC, (Gauvin) to conduct experimental fishing in the Bering Sea to test a salmon excluder device for trawl gear used to fish for pollock between January 20, 2021, and June 10, 2021. The excluder device is designed to release salmon from trawl gear.

Gauvin and the owners and operators of all permitted vessels must comply with the terms of this Exempted Fishing Permit (EFP), the Magnuson-Stevens Fishery Conservation and Management Act, and 50 CFR parts 600 and 679, except as provided in this permit. This permit is valid and effective through June 10, 2021. The permit may be terminated under the permit's terms, by regulatory action under 50 CFR parts 600 and 679, or revoked, suspended, or modified, under 15 CFR part 904.



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



John Gauvin
Gauvin and Associates, LLC

01/15/2021

Date Signed

01/03/2021

Date Signed

**BERING SEA GROUND FISH FISHERY
MODIFIED EXEMPTED FISHING PERMIT# 2018-03-02
PERMIT HOLDER SIGNATURE PAGE**



Permit Holder Signature

JOHN R GAUVIN

Permit Holder Printed Name

NPRP

Permit Holder Company/Affiliation

01/03/21

Date Signed

BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA
GROUNDFISH FISHERY
MODIFIED EXEMPTED FISHING PERMIT #2018-03-02
TERMS AND CONDITIONS

AUTHORITY: 50 CFR 600.745(b) AND 50 CFR 679.6

TESTING A SALMON EXCLUDER DEVICE IN THE BERING SEA POLLOCK TRAWL FISHERY

A. Permit Holder

John Gauvin
Gauvin and Associates, LLC
2104 SW 170th St.
Burien, WA 98166
(206) 660-0359

B. Permitted Vessels

The vessels authorized to participate in this Exempted Fishing Permit (EFP) experiment (permitted vessels) for the fieldwork for this modified permit are the catcher vessels Storm Petrel (USCG Documentation # 620769) and Destination (USCG Documentation # 571879). These two catcher vessels will be used in 2021 to repeat the 2020 fieldwork aboard those vessels for which data collected aboard those vessels under the modified EFP #2018-03 were lost. (For further explanation of lost data, see issuance letter for this modified EFP #2018-03-02) In addition to the EFP, each vessel owner and operator will be required to hold all permits and License Limitation Program endorsements otherwise authorizing participation in the Bering Sea pollock trawl fishery. If any selected vessel is unable to complete the fieldwork under the EFP, such as due to a mechanical breakdown, Gauvin will inform NMFS before resuming the EFP work. All vessels participating in the EFP will use pelagic trawl gear as defined by 50 CFR 679.2 and must comply with the trawl performance standard at 50 CFR 679.7(a)(14)(i). Substitution of these vessels for this modified EFP may only be made for reasons of mechanical failure or other circumstances authorized by NMFS.

As specified in Appendix A, Gauvin must provide information about permitted vessels and substituted vessels to NMFS within 5 days of contracting the vessel for the work.

A copy of this EFP must be on board the permitted vessels during the course of the fieldwork and as long as any groundfish or salmon retained under this permit are on board the vessels.

C. Timing of the Experiment

Fieldwork under the terms of this permit is authorized for the pollock A season

only from the date of issuance through June 10, 2021. The pollock A season is specified in § 679.23.

Notification of Timing of the Experiment

Gauvin must notify NMFS Alaska Regional Office (AKR), the NOAA Office of Law Enforcement (OLE), and the Alaska Fishery Science Center/North Pacific Observer Program (Observer Program) by email within 24 hours of the starting and ending date of the field season for each vessel permitted under the EFP. Should EFP fishing be concluded prior to the end of the field season, Gauvin must notify both NMFS and NOAA OLE within 24 hours of the end of EFP fishing.

EFP fishing may be temporarily terminated during a field season. If temporarily terminated, EFP fishing may be restarted/recommenced in that field season through the following procedure: the permit holder, either Gauvin or a vessel operator, notifies NMFS and NOAA OLE by email 24 hours prior to the commencement of EFP fishing. The email contact for the AKR is bridget.mansfield@noaa.gov, for NOAA OLE is nathan.lagerwey@noaa.gov, and for the Observer Program is brian.mason@noaa.gov.

D. Exemptions from Prohibitions, General Limitations, Prohibited Species Bycatch, and Observer Requirements

During an EFP fishing trip, a permitted vessel and its owner(s) and operator(s) are exempt from the following regulations:

§ **679.7(a)(2)**: prohibits the conduct of fishing contrary to notification of inseason action, closure, or adjustment, as applied to the specific regulations detailed below for §§ 679.20 and 679.21, and 679.22 (a)(2).¹

§ **679.7(a)(3)(i)**: prohibits fishing for groundfish except in compliance with the terms of the Observer Program.²

§ **679.7(a)(16)**: prohibits retention of groundfish bycatch that exceeds the maximum retainable amount.³

§ **679.20(d)(1)(iii)(B)**: states "Except as described in § 679.20(e)(3)(iii), if directed fishing for a target species or species group is prohibited, a vessel may not retain that incidental species in an amount that exceeds the maximum retainable amount, as calculated under paragraphs (e) and (f) of this section, at any time during a fishing trip." During an EFP fishing trip, the permit holder and permitted vessels are exempt from § 679.20(d)(1)(iii)(B) for pollock and other groundfish caught as an incidental

¹ This exemption is necessary to allow permitted vessels to fish in a manner that would encounter higher concentrations of Chinook salmon for testing the excluder device.

² This exemption is necessary to allow independent accounting of groundfish and salmon through the use of sea samplers, and to avoid confusion with catch accounting by observers.

³ This exemption is necessary to allow permitted vessels to account for and weigh all groundfish catch under the EFP, consistent with the experimental design for this EFP.

species.⁴

§ **679.21(a)(2)(i)**: requirement to minimize catch of prohibited species.⁵

§ **679.21(1)(1) through (12)**: Fishing under the terms of this permit is exempted from the Bering Sea Chinook salmon bycatch management program.⁶

§ **679.22(a)(7)(ii) and § 679.22(a)(7)(vii)**: Experimental fishing under the terms of this permit is authorized in the Bering Sea subarea, including the areas within the subarea that are otherwise closed to fishing with trawl gear under 50 CFR § 679.22(a)(7)(ii). Exempted fishing must be conducted outside Steller sea lion protection areas closed to pollock trawl fishing, as described at § 679.22(a)(7), except the sector closure of the Steller Sea Lion Conservation Area (SCA) under § 679.22(a)(7)(vii)(C)(2). The SCA exemption will only apply as long as the combined amount of pollock taken from the SCA does not exceed the 28 percent annual total allowable catch limit (TAC) before April 1, as specified in the Steller sea lion protection measures (§§ 679.20(a)(5)(i)(C) and 679.22(a)(7)(vii)).

§ **679.50**: except as described in this permit, observer requirements at § 679.50 while conducting activities under this EFP.⁷

E. Other Requirements

Reporting Requirements, Sea Sampling, and Observer Requirements:

Gauvin is required to work with the vessel owners retaining fish under this EFP to comply with the federal record keeping and reporting requirements at § 679.5 and ensure that records of all groundfish and prohibited species catch (PSC) species caught under the EFP are kept separate and identifiable. For purposes of recordkeeping and reporting, catcher vessels shall not conduct exempted fishing and non-exempted fishing during the

⁴ This exemption will allow a permitted vessel to exceed the maximum retainable amount for species listed in Table 11 to Part 679 during EFP fishing.

⁵ This project will require vessel operators to conduct EFP testing in areas and modes of fishing that otherwise increase the chances of Chinook salmon encountering the trawl net and salmon excluder device. This exemption will only apply during EFP fishing.

⁶ The program includes a Chinook salmon prohibited species catch limit of 60,000 Chinook salmon and a performance standard of 47,591 Chinook salmon. NMFS annually allocates the Chinook salmon prohibited species catch limit to sectors, cooperatives, and Community Development Quota groups that participate in an industry-developed incentive plan agreement, which provides incentives for each vessel to avoid Chinook salmon bycatch. During the period that the vessels authorized under this permit and are engaged in exempted fishing, these provisions of the program at paragraphs 50 C.F.R. § 679.21(f)(1) through (f)(12) do not apply. This exemption is necessary to allow for a sufficient number of Chinook salmon to enter the trawl net and encounter the salmon excluder during the testing of the salmon excluder device to meet the sampling design requirements of the EFP.

⁷ The permitted vessel owners or operators are exempt from selected observer requirements at § 679.50, while conducting activities under this EFP. Instead, the catch and discards will be monitored by "sea samplers" who are NMFS-certified observers hired to provide the data collection and sampling support for the experiment. However, the sea samplers will be considered NMFS observers for purposes of §§ 679.53 and 679.7(g), and the permit holder is required to comply with these provisions for their sea samplers.

same fishing trip. Fishing trip is defined at § 679.2.

Catcher Vessel Reporting Requirements: When a catcher vessel makes a landing to a shoreside processor, Gauvin is required to work with the vessel owner and the shoreside processor to ensure that all the catch and discard information from the EFP fishing activity is entered for each groundfish delivery. For deliveries to shoreside processors, motherships, and floating processors this information must be marked as research by using the "RES" management program code on the groundfish landing report completed in eLandings.

Catcher Vessel Observer Sea Sampler Requirements: The vessel owners or operators of the vessels authorized to participate in this EFP are exempt from selected observer requirements at § 679.50 (see D. of this Permit), while conducting activities under this EFP. Instead, the catch and any discarding of species will be monitored, accounted for, and recorded by "sea samplers" who are NMFS-certified observers hired to provide the data collection and sampling support for exempted fishing. Data collected during exempted fishing will not be transmitted to the Observer Program.

F. Area of the Experiment

Experimental fishing can be conducted only in the Bering Sea subarea (see definitions 50 CFR § 679.6). Exempted fishing must be conducted outside Steller sea lion protection areas closed to pollock trawl fishing. The specific exemptions associated with each of these areas are listed above in Section D.

G. Total Allowable Groundfish Harvest

The overall groundfish catch for the effective period of this EFP is not counted against the 2021 TAC limits specified in the annual harvest specifications (§ 679.20(a)) and must not exceed 1,600 metric tons (mt) during the period for which this modified EFP is valid. Any groundfish taken as part of the EFP activities in excess of 1,600 mt will be counted against the TAC for each species taken.

H. Prohibited Species Catch (PSC)

Existing regulations governing retention and release of PSC species, as defined at § 670.21(a), will apply to the vessels when exempted fishing, with the exceptions listed above in section D.

The total authorized salmon bycatch is up to 400 Chinook salmon and 400 non-Chinook salmon over the effective period of the modified permit in 2021. The original number of 600 of each Chinook and non-Chinook salmon per year were authorized in the original EFP #2018-03 for three vessels. Therefore 400 of each Chinook and non-Chinook salmon for two vessels in 2021 is proportional. Further, 400 of each Chinook and non-Chinook salmon are authorized under this modified permit, because the total number of each Chinook and non-Chinook salmon authorized but not caught under the EFP from 2018 through 2020 (651 Chinook and 1766 non-Chinook) exceeds 400. These amounts have been requested by the EFP permit holder to meet the experimental design without

constraining fishing under the EFP.

Gauvin and the owner(s) and operator(s) of vessels permitted under this EFP are required to participate in the Prohibited Species Donation Program (PSDP) under § 679.26. If salmon quality standards in the PSDP are met, salmon must be provided to a NMFS-approved donation program processor and food distributor. After all sampling of Chinook salmon is completed, except for any Chinook salmon that are donated through the PSDP, all Chinook salmon must be discarded, as required by § 679.21(a).

I. Vessel Selection

Catcher vessels previously selected to perform the duties of this project may have contracts extended or renewed to perform duties under this EFP. If other vessels are used, Gauvin will follow the following procedures for the selection of the EFP vessels.

1. Gauvin will disseminate application materials to trade associations for pollock vessel companies. Materials describing the fieldwork and results will detail the purpose of the EFP, application information required, groundfish catch and PSC limits consistent with the experimental design, and a description of the EFP data review process.
2. Vessel applicants will have approximately four weeks to complete and submit applications from the time application materials are made available. Submitted materials must describe the suitability of their vessel as a platform for exempted fishing, including a description of the vessel's observer sampling facilities and a statement of their fishing plan for the EFP, including the number of tows expected per day and describing the proposed coordination of sea sampler activities and deck crew duties during field work under this EFP. The application also must describe the pelagic pollock net that they intend to use for the EFP and other information critical to the determination of the suitability of the vessel and trawl gear for fieldwork, as detailed in the request for proposals.
3. The review of applications and selection of a vessel for the EFP will be conducted by Gauvin. Scientists from Resource Assessment and Conservation Engineering Division of the Alaska Fisheries Science Center will evaluate applications and recommend the most appropriate vessel(s) for this EFP. The application review process will gauge the feasibility of obtaining valid data on the applicant's vessel and will examine the suitability of the vessel(s). In the event that two or more vessels are considered equally suitable, the choice will be made through a random drawing.

J. Requirements for Permitted Vessels

The permitted vessels participating in any fieldwork under this EFP must comply with the following provisions:

1. Supply facilities for sea samplers to conduct expanded species and size composition sampling; deck space for testing the excluder device; and facilities for sampling salmon, as detailed in the fishing plan prepared during the selection process, and a secure onboard location for the sea samplers to lock up the NMFS-issued personal locator beacon and any previously collected official observer data, until exempted fishing has been completed for that trip.
2. Follow all procedures and requirements of the fieldwork stated in the application for this EFP. This will include installing and using an excluder built to the specification of the selected design and installing camera and lighting devices on the net for the measurement of excluder performance. The vessels selected for the EFP work also will conduct fishing operations in accordance with the requirements of the EFP, as detailed in the application materials described in the application for this EFP.
3. Take at least one or up to two sea samplers who will be aboard at all times while fishing pursuant to this EFP. EFP personnel will be provided to the EFP vessels, and all costs will be paid for by the North Pacific Fisheries Research Foundation. Sea samplers must be NMFS-certified observers and have the ability to perform the sampling duties required for any fieldwork under this EFP.
4. Make available one or more crew members to assist sea samplers as needed. Crew members assigned to this role will work as assistants to the sea samplers so that expanded size distribution sampling required for any fieldwork under this EFP can be carried out.
5. Provide all catch data needed for the analysis, including fish tickets and other information on retained and discarded catch. Participants must submit all data from the EFP activities to the permit holder and NMFS personnel associated with this project. Consistent with applicable data confidentiality guidance, all data collected under this permit is disclosable to the public once vessel identifiers have been removed.
6. Stay within the groundfish catch and PSC limitations of the EFP. Keep catches as close as possible to the target quantity of catch per tow so that the limits on catch and PSC are not met or exceeded prior to accomplishing the number of tows required for the experimental design.
7. Perform onboard sampling of salmon to achieve an accurate estimate of salmon catches. Otherwise, sorting must be done at the processor for the accurate estimate.
8. Abide by any adjustments in the experimental design deemed necessary by EFP and NMFS personnel. Any adjustments will be described in writing and issued to the vessel.
9. If a flow scale is used aboard a catcher vessel to weigh exempted fishing catch, periodic tests to verify flow scale performance shall be performed according to directions of Gauvin.
10. To ensure compliance with the experimental design for this EFP, data from each day's fishing will be reviewed by a participating vessel's onboard project manager(s).
11. Have a valid Commercial Fishing Vessel Safety Decal issued within the past 2 years

that certifies compliance with regulations found in 33 CFR Chapter I and 46 CFR Chapter I for the duration of participation in this project.

12. Once notification is provided under section C of this permit, conduct only EFP fishing allowed by this permit during the fishing trip, following all provisions in this EFP.

K. Administration of the Experiment

1. Gauvin will provide at least one project manager on board each vessel participating in this EFP to facilitate communication among participants in the EFP, sea samplers, and NMFS personnel involved in monitoring any fieldwork under this EFP. The project managers will be responsible for making sure unanticipated occurrences and problems are resolved in a manner that does not jeopardize the conduct or validity of the experimental design for this EFP.
2. Gauvin will be responsible for contacting NMFS if problems arise that require adjustments to the experiment design.
3. Gauvin, through the interaction of his project managers, is responsible for ensuring that each vessel permitted to participate in this EFP follows the protocol and other requirements of this EFP. Gauvin must immediately notify the NMFS AKR by contacting Bridget Mansfield (907-586-7642), Brian Mason of the Observer Program (206-526-4227), and the owner of any vessel fishing under this permit if there is information from a vessel operator, project manager, or other sources that the vessel is not meeting EFP requirements. Should Gauvin determine that a vessel is not abiding by the protocols and other requirements, he must notify the vessel's operator and explain the problem. If this action does not result in the resolution of the problem, the vessel is no longer allowed to participate in EFP fishing. Gauvin will notify the vessel and NMFS that the vessel is no longer a participant under the EFP, and the vessel will be removed from the attached list of approved vessels.

L. Analysis of Results

Gauvin will analyze the EFP data and draft a final report after EFP experimental fishing has ended in 2021. The final report summarizing the results of the testing completed under this EFP will be submitted to NMFS Alaska Fisheries Science Center, NMFS AKR, and the Council no later than October 15, 2021. That report will encompass activities, results, any problems and successes, and how well the EFP objectives were accomplished. The final report will also include for the different salmon excluder devices tested during EFP fishing in 2018 through 2021 an estimate of salmon escapement rates and mortality and estimated pollock loss, total catch of each groundfish species, and the total number of each salmon species caught during the EFP fishing for all years for which field work were successfully completed, as well as a summary of the project objectives, areas fished, vessels used, and any problems and successes. If requested, Gauvin will present the report to the Council and its advisory bodies. All analysis and report writing are the responsibility of the EFP permit holder.

M. Violations

Gauvin's failure and/or the permitted vessel owners' or operators' failure to comply with the terms and conditions of this permit and all applicable provisions of 50 CFR parts 600 and 679, the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), or any other applicable law are grounds for removal of a non-complying vessel from the EFP, revocation, suspension, or modification of this permit as well as civil or criminal penalties under the Magnuson-Stevens Act.

Appendix A.

Vessel Information Form for Modified EFP # 2018-03-02

MODIFIED EXEMPTED FISHING PERMIT: #2018-03-02
PERMITTED VESSEL INFORMATION FORM

Vessel Name: Destination

Length Overall (LOA): 168

Gross Tonnage: 459

Federal Fisheries Permit Number: 3988

License Limitation Permit Number: 2041

USCG Official Number: 571879

Vessel Homeport: Unalaska AK

Owner Name: Destination Alaska LLC

Owner Address: 2701 Gambell St STE 400 Anchorage AK 99503

Owner Phone: 907 274 2248

Owner Email: simon@nsedc.com

Vessel Managing Company: Alaska Boat Company

Vessel Representative

~~Project Manager~~ Name: Caitlin Yeager

Vessel Representative

~~Project Manager~~ Address: 303 NE Northlake Way Seattle WA 98105

Vessel Representative

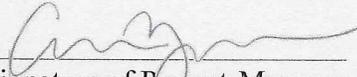
~~Project Manager~~ Phone: 912 655 8867

Vessel Representative

~~Project Manager~~ Email: CaitlinY@AlaskaBoatCompany.com

Signature of Permit Holder

Date signed



Signature of Project Manager
Vessel Representative

1/8/21

Date signed

The signature(s) above confirm this information, but do not constitute a final commitment to participate in the EFP.

Appendix A.

Vessel Information Form for Modified EFP # 2018-03-02

MODIFIED EXEMPTED FISHING PERMIT: #2018-03-02
PERMITTED VESSEL INFORMATION FORM

Vessel Name: Storm Petrel

Length Overall (LOA): 123'

Gross Tonnage: 276 grt

Federal Fisheries Permit Number: 39860

License Limitation Permit Number: 3832

USCG Official Number: 620769

Vessel Homeport: Seattle, WA

Owner Name: Evening Star Fisheries

Owner Address: 4019 21st Ave W., Seattle, WA 98199

Owner Phone: (206) 739-5618

Owner Email: Hunter.Berns@eveningstarfisheries.com

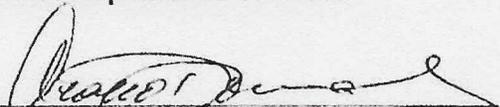
Vessel Managing Company: Evening Star Fisheries

Vessel Representative Name: Dan Martin

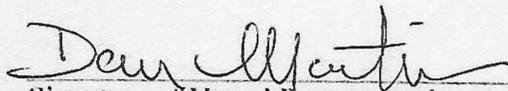
Vessel Representative Address: 4019 21st Ave W., Seattle, WA 98199

Vessel Representative Phone: (360) 907-1265

Vessel Representative Email:


Signature of Permit Holder

01-11-2021
Date signed


Signature of Vessel Representative

01/11/2020
Date signed

The signature(s) above confirm this information, but do not constitute a final commitment to participate in the EFP

BMansfield 12/1/20; 12/18/20; 12 28 20
AM Eich 12/1/20

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