

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

MODIFIED 2 PERMIT #07-01

The Administrator, Alaska Region, National Marine Fisheries Service (NMFS), acting on behalf of the Secretary of Commerce, hereby permits vessel(s) acting under the direction of the permit holder, Aleut Enterprise Corporation, to use commercial fishing vessels for acoustic surveys of pollock in a specific study area in the Aleutian Islands subarea during the time period between February 15, 2007, and April 30, 2007. The intent of the project is to improve Aleutian Islands pollock stock assessment, conservation, and management. This permit may be modified to extend the effective time period for up to one additional year.

The United States exercises fishery management authority in the Bering Sea and Aleutian Islands Management Area under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* (Magnuson-Stevens Act). The permit holder and the owners and operators of all authorized vessels must comply with the provisions of this Exempted Fishing Permit (EFP), and the provisions of the Magnuson-Stevens Act and 50 CFR parts 600 and 679, except as provided in the attached terms and conditions incorporated herein. This permit is valid from February 15, 2007, through April 30, 2007, when signed by the permit holder, the Regional Administrator, and an authorized representative for each participating vessel, unless terminated earlier by provisions of this EFP or by regulatory action pursuant to 50 CFR part 679, or revocations, suspension, or modification pursuant to 15 CFR part 904.

Robert D. Mecum
Acting Administrator,
Alaska Region, NMFS

Sandra Moller,
President/CEO
Aleut Enterprise Corporation

Date Signed

Date Signed

BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA
GROUND FISH FISHERY
EXEMPTED FISHING PERMIT #07-01
TERMS AND CONDITIONS

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

USING COMMERCIAL FISHING VESSELS FOR ACOUSTIC SURVEYS OF ALEUTIAN ISLANDS
POLLOCK

A. Permit Holders

Aleut Enterprise Corporation
Sandra Moller, President/CEO
840 K Street, Ste. 202
Anchorage, AK 99501
(907) 526-5444

B. Permitted Vessels

The vessels authorized to participate in this Exempted Fishing Permit (EFP) experiment will be selected through an application process administered by the permit holder. The EFP authorizes four vessels to participate in the experiment. In the event the selected vessels are unable to complete the fieldwork under the EFP, the permit holder will inform NMFS and submit the required information on replacement vessels to NMFS before resuming the EFP work. The vessel used for the survey will be a trawl catcher vessels equipped with a Simrad ES60 echosounder and a 38 kHz split beam transducer, with pelagic trawl gear for pollock harvest. All vessels participating in the study will be on the NMFS approved list of vessels participating in the Aleut Corporation directed pollock fishery. Use of pelagic trawl gear must comply with 50 CFR 679.2 and the trawl performance standard at 50 CFR 679.7(a)(14)(i).

The required information regarding the permitted vessels must be provided to NMFS within 5 days of completion of contracting for the work. Information that must be provided to NMFS is attached to this permit as Appendix A. This list shall include the following information to be provided to the Regional Administrator:

- Vessel name
- Vessel length and gross tonnage
- Federal permit number and USCG registration number
- Name, address, telephone numbers and fax number of owner
- Home port
- Signature of authorized representative

A copy of this EFP must be onboard the permitted vessels during the course of the experimental fishery and as long as any groundfish is retained under this permit onboard the vessels.

C. 1. Timing of the Experiment

Experimental fishing under the terms of this permit is authorized from February 15, 2007, through April 30, 2007. To provide additional data for the pollock stock assessment, the permit may be modified to extend the terms and conditions for an additional one year

period allowing activities between February 15 and April 30, 2008.

2. Notification of Timing of the Experiment

The permit holder must notify the Regional Administrator (by email or fax) within 24 hours of the beginning and ending of each fishing trip conducted under the EFP.

D. Reporting Requirements, Monitoring, and Observers

The permit holder is required to work with the vessel owners retaining fish under this EFP to ensure that records of all groundfish and Prohibited Species Catch (PSC) species caught under the EFP are separate and identifiable from other records, and consistent with federal recordkeeping and recording requirements at 50 CFR 679.5. All pollock harvest is to be reported as EFP harvest and to be deducted from the Aleut Corporation's pollock allocation. PSC catch is to be determined by the NMFS scientist(s) (see below) and reported to the Inseason Management Branch of the Sustainable Fisheries Division. The permit holder must ensure a vessel monitoring system (VMS) is operated at all times the vessels are used to conduct activities under this permit, as required by 50 CFR 679.7(a)(18) and 679.28(f).

A NMFS scientist must be on board the vessel at all times during the surveying activities performed under this EFP. One hundred percent observer coverage at the shoreside processor must be provided to ensure accurate accounting for groundfish and prohibited species harvested by a catcher vessel under the EFP and to credit the harvest against the limits within this permit and the harvest specifications for groundfish species. Catcher vessel owners or operators are exempt from the vessel observer requirement at 50 CFR 679.50(c)(1)(v) while participating in activities under this EFP. The shoreside plant accepting deliveries of harvest under this EFP must operate under the Catch Monitoring and Control Plan regulations as described under 50 CFR 679.28(g).

If a catcher/processor is used for compensatory fishing, the vessel owner or operator must comply with the observer requirements specified at 50 CFR 679.50 and recordkeeping and reporting requirements at 50 CFR 679.5. All groundfish harvested by a catcher/processor may be processed on the catcher processor vessel or delivered to a shoreside processor.

E. Area of the Experiment

Experimental fishing under the terms of this permit is authorized in the study area identified in Figures 1 to this permit. The study area is delimited by a northern boundary of 52° 35' N latitude, a southern boundary of 51° 35' N latitude, an eastern boundary of 173° 00' W longitude, and a western boundary of 179° 00' W longitude. This area is located within statistical areas 541 and 542. Fishing activities under this EFP may occur in State of Alaska waters which require permission from the Alaska Department of Fish and Game. The selection of the area for compensatory fishing will be decided by the vessel owners or operators and the NMFS scientist(s) based on acoustic survey results.

F. Total Allowable Groundfish Harvest and Maximum Retainable Amounts

The overall groundfish harvest under this EFP shall be no more than 3,000 metric tons (mt). The participating vessels will retain all groundfish to ensure collection of information necessary for the project. The participating vessel owners or operators are exempt from the maximum retainable amounts at 50 CFR 679.20(e) and Table 11. The vessel owners or operators are exempt from the exclusive fishing season specified at 50 CFR 679.23(i), if the vessel had been

used for pollock harvest in the GOA during the A or B seasons.

No more than 1,000 mt of groundfish shall be harvested in any one degree block of the study area, as shown in Figure 2. No more than one vessel over 60 feet in length overall is permitted to harvest within a one degree block.

G. Prohibited Species Catch (PSC)

Existing regulations governing retention and release of PSC species, as defined at 50 CFR 679.21(b), will apply to the vessels participating in the experiment. PSC taken during the experiment will be counted against any PSC limit specified for existing groundfish fisheries in the Aleutian Islands.

H. Steller Sea Lion Protection Areas

The vessel owners and operators are exempt from 50 CFR 679.22(a)(8)(i)(B) and (a)(8)(ii), the Steller sea lion closures for directed pollock fishing which occur in the study areas shown in Figure 1 and Figure 2. Participants are prohibited from compensatory fishing under this EFP in the areas identified as “No Fishing Areas” on Figures 1 and 2 to this EFP. Fishing within 0 nm to 3 nm of a Steller sea lion haulout in the study area and as listed on Table 4 to 50 CFR part 679 is limited to verification of acoustic data. Harvest within 0 to 3 nm around Steller sea lion haulouts shall not exceed 10 mt per tow.

I. Marine Mammal Incidental Take

If a marine mammal is incidentally taken during the activities under this EFP, the permit holder will ensure the take is reported as required by the Marine Mammal Protection Act and 50 CFR 229.4. If an incidental take occurs, the form provided at <http://www.fakr.noaa.gov/protectedresources/observers/mmapform.pdf> must be used and submitted within 48 hours of the end of the fishing trip. The form must also be submitted to the Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, NMFS Alaska Region.

J. Vessel Selection

The vessel selected by the permit holder to conduct the survey activities under this EFP must have

- capability to harvest pollock with pelagic trawl,
- an operable Simrad ES60 echosounder with a 38 kHz split beam transducer.
- approval to participate in the Aleut Corporation directed pollock fishery, and
- accommodations for up to two NMFS scientist(s), including a sheltered work area for NMFS scientist(s) to sample catch.

The permit holder will consult with the NMFS scientist(s) for the project to ensure the vessel selected meets the needs of the project.

Vessels selected to conduct compensatory fishing under this EFP must have the capability to harvest pollock with pelagic trawl gear and must be approved by the Aleut Corporation to participate in the Aleutian Islands directed pollock fishery if 60 feet or less LOA. If the vessel is greater than 60 feet LOA, the vessel is exempt from the license limitation requirement at §§ 679.4(k)(1)(i) and 679.7(i)(2) and the Aleut Corporation’s approval for the Aleutian Islands

directed pollock fishery.

K. Requirements for the Participating Vessels

The vessel owners and operators participating in the experiment are required to comply with the following provisions:

1. For the survey vessel, supply adequate facilities for NMFS scientist(s) to conduct species and size composition sampling; as detailed in the cruise plan for the project.
2. For the survey vessel, conduct acoustic survey and fishing operations in accordance to the requirements of the EFP, as detailed in the cruise plan for the experiment, and as directed by the NMFS scientist(s).
3. For the survey vessel, make available one or more crew members to assist NMFS scientist(s), as needed. Crew members assigned to this role will work as assistants to the NMFS scientist(s) so that sampling and data collection required for the project can be carried out.
4. Provide all catch data needed for the analysis, including information on retained and discarded catch. Participants must submit all data from the EFP to the permit holder and the lead NMFS scientist associated with this project.
5. Stay within the groundfish catch limitation of the EFP, and not exceed the per tow limit specified in this EFP. Within 3 nm of shore of a Steller sea lion haulout, agree to keep catches as low as possible to verify the acoustic survey data.
6. Abide by any adjustments in the experimental protocol deemed necessary by NMFS personnel associated with the experiment and the permit holder.
7. Agree to participate in the experiment until its conclusion or termination, unless released from participation by the permit holder.
8. Vessel owners and operators participating in the EFP will be allowed to sell all fish that would be legally retainable under the terms and conditions set forth under Item F above.
9. To ensure compliance with the experimental protocols, data required by the experimental protocol from each day's fishing will be provided to the NMFS scientist(s) for review. The permit holder will notify NMFS and the vessels if there are indications that one or more vessels are not meeting requirements for participation in the experiment. If a vessel(s) continues to violate the experimental protocols agreed upon, the permit holder will terminate that vessel's participation in the experiment.
10. 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.
11. Operate a NMFS-approved VMS as required by 50 CFR 679.7(a)(18) and 679.28(f).

L. Administration of the Experiment

As joint investigators on this project, the permit holder will coordinate activities with the NMFS scientist(s) to facilitate communication between participants in the experiment, observers, and NMFS scientist(s) involved in the experiment. The permit holder, through the vessel owners and operators, 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 experiment.

The NMFS scientist will work with the vessel owners and operators and the permit holder to address unanticipated problems that require adjustments in the conduct of the test so that such adjustments can be developed. The vessel owners and operators also will be responsible for

making sure that NMFS scientists are able to perform such duties.

The permit holder is responsible for making sure the vessels used in the experiment follow the protocol and other requirements of the experiment. Should the permit holder determine that one or more vessels are not abiding by the requirements, he/she must notify the vessel's owner and operator of the non-compliance. If this action does not result in the resolution of the problem, the permit holder will notify the vessel owner and operator and NMFS that the vessel is no longer a participant under the EFP.

The permit holder also will be responsible for the following activities in connection with this experiment:

1. Prepare written materials describing the purpose of the EFP project and the elements needed for incorporation into the contract for the vessels.
2. Provide data required by the experimental protocol in the format and time period requested by the NMFS scientist(s).
3. Assist in technical analysis to prepare the draft and final EFP report.

M. Analysis of Results

If requested, the permit holder will assist the NMFS scientist(s) involved in the project to analyze the data and prepare the draft report and final reports

After initial review by the Scientific and Statistical Committee of the North Pacific Fishery Management Council (Council) and any other technical review, the permit holder will assist in the final written report preparation, if requested by the NMFS scientist(s). The report will be made available to the Council for distribution to the interested public.

N. Dissemination of Study Results

If requested by the NMFS scientist(s), the permit holder will assist in preparing a succinct report explaining the results and basic statistical confidence in those results. The purpose of this report is to determine if other commercial vessels could be used to assist in pollock stock assessments in the Aleutian Islands and to provide information to the Council on the potential for discrete area pollock harvest management.

This report will be disseminated free of charge to the public and presented to the Council upon request. Data will be made available to researchers and to the Council's Steller Sea Lion Mitigation Committee upon request.

O. Sanctions

Failure of the permit holder and/or the permitted vessel owners or operators 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 regulations promulgated thereunder, or any other applicable law, shall be grounds for revocation, suspension, or modification of this permit as well as civil or criminal penalties under the Magnuson-Stevens Act.

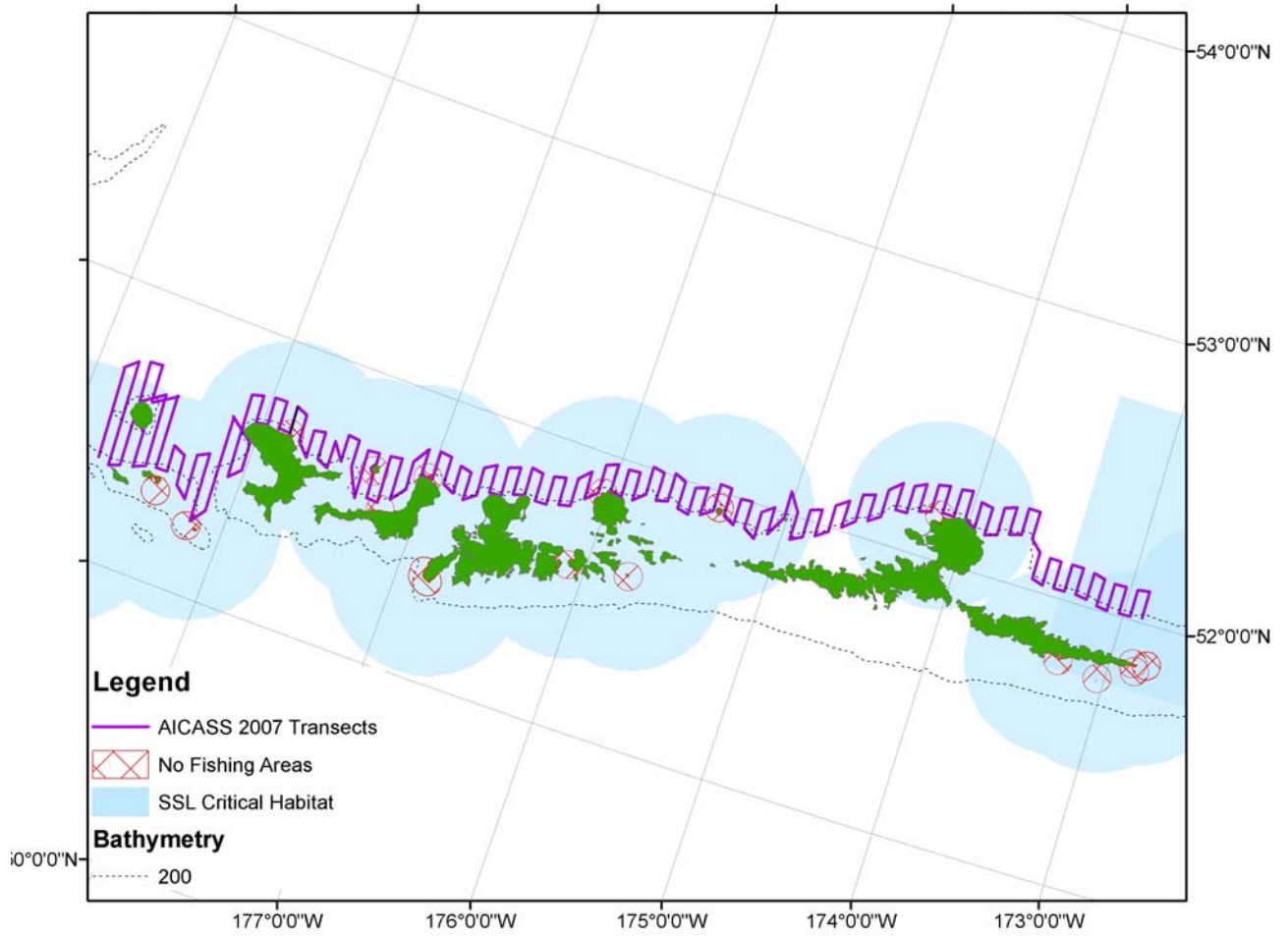


Figure 1 Study area including acoustic survey transects for the Aleutian Islands pollock EFP.

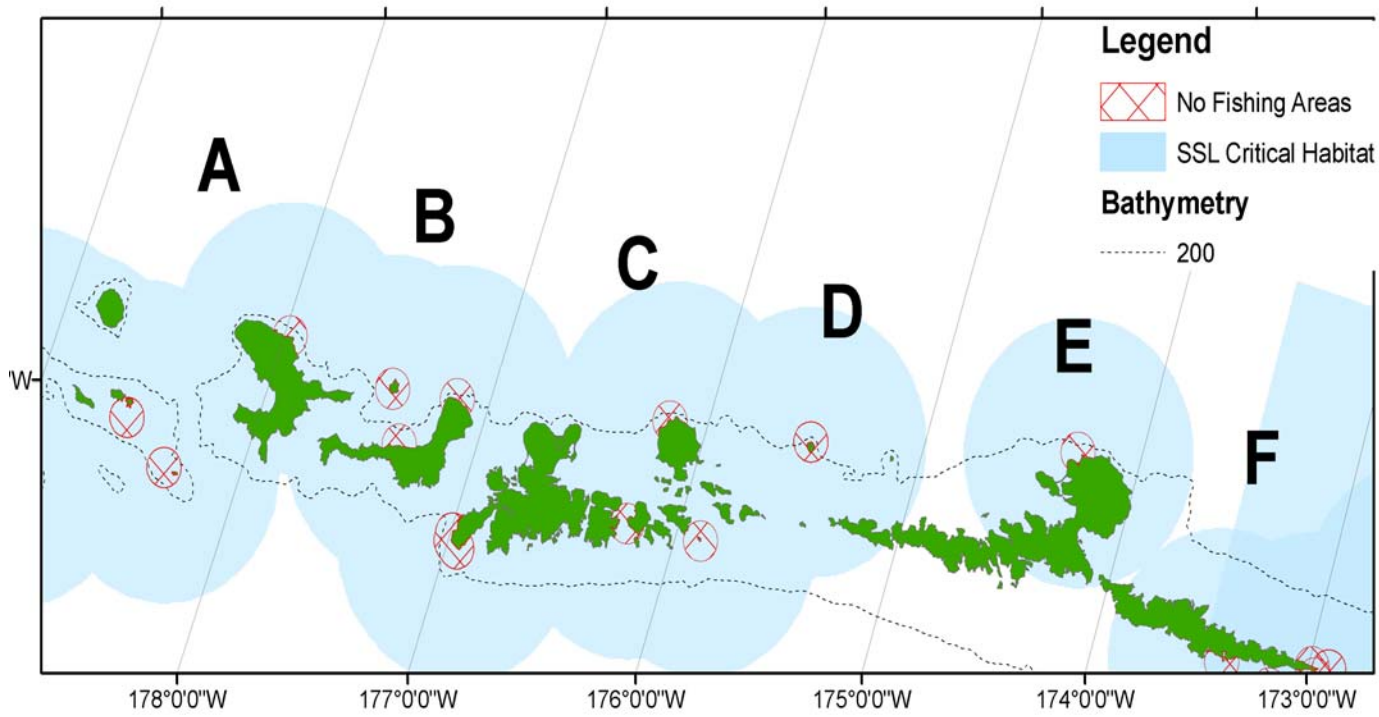


Figure 2 Study area showing one degree longitude blocks (A-F) limited to 1,000 mt and one fishing vessel greater than 60' length overall at a time.

EXEMPTED FISHING PERMIT: #07-01
PERMITTED VESSEL

Vessel Name:

Federal Permit Number:

USCG Official Number:

Owner Name:

Owner Address:

Phone:

FAX:

Length (LOA):

Gross Tonnage:

Type of Vessel:

Homeport:

Signature(s) of Authorized Representative(s):

Date signed

Date signed

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