



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, AK 99802-1668

September 23, 2024

Angel Drobnica, Chair
North Pacific Fishery Management Council
1007 West 3rd Ave., Suite 400
L92 Building, 4th Floor
Anchorage, Alaska 99501

Re: Review of an Exempted Fishing Permit (EFP) Application from Trident Seafoods to develop and test modifications to the footrope of pelagic trawl gear

Dear Chair Drobnica:

On September 6, 2024, NMFS received an application from Dr. Noëlle Yochum and Shannon Carroll on behalf of Trident Seafoods for an exempted fishing permit (EFP). We are providing the application to the U.S. Coast Guard, State of Alaska, and the North Pacific Fishery Management Council (Council), as required by 50 CFR 600.745(b)(3)(i) and 50 CFR 679.6(c)(2). This EFP would waive the participants from the regulatory gear definition for pelagic trawl that limits the number of allowable fishing line, footrope, and weighted lines, to allow for testing of gear designs that aim to minimize seafloor contact when targeting pollock that are on or near the seafloor. Issuance of EFPs is authorized by the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands (BSAI) Management Area and its implementing regulations at 50 CFR 679.6, Exempted Fisheries.

A copy of the September 16, 2024, Alaska Fisheries Science Center memorandum on the application is included with this letter. The Alaska Fisheries Science Center found no concern with the objectives, scope, or methods described in the EFP. The applicant is aiming to do the field testing from January 1, 2025 to December 31, 2027 (3 calendar years). The EFP expires at the end of that three-year period.

To conduct this experiment, an exemption would be necessary from regulation at 50 CFR 679.2 [“Authorized fishing gear”](#), paragraph (14)(vii) that states pelagic trawl gear “Has no more than one fishing line and one footrope for a total of no more than two weighted lines on the bottom of the trawl between the wing tip and the fishing circle.”

After reviewing the proposed EFP in relation to NOAA Administrative Order (NAO) 216-6A, NMFS has determined that the proposed EFP research would not have a significant effect on the human environment. Specifically, the proposed action falls into the category of actions subject to categorical exclusion identified in Appendix E of NOAA’s Companion Manual for NAO 216-6A, B12, for the issuance of EFPs.



We are initiating consultation with the Council by forwarding the application, as required by 50 CFR 679.6(c)(2). We understand that you have scheduled Council review of the proposed project at the Council's October 2024 meeting. Please notify Dr. Noëlle Yochum and Shannon Carroll, representatives of Trident Seafoods, of your receipt of the application and invite them to speak to the Council during the October meeting in support of the application. We will publish a notice of receipt of the application in the *Federal Register* with a brief description of the proposal.

Sincerely,



For Jonathan M. Kurland
Regional Administrator

Enclosures:
EFP Application
AFSC memorandum
Draft Categorical Exclusion supporting this proposal

Exempted Fishing Permit (EFP) Application Trident Seafoods

1. Application Date

September 16, 2024

2. Applicant

Trident Seafoods
5303 Shilshole Avenue NW | Seattle, WA 98107

Principal Investigators:

Dr. Noëlle Yochum, PhD
Phone: (206) 245-8566; Email: nyochum@tridentseafoods.com

and Shannon Carroll
Phone: (907) 382-1590; Email: scarroll@tridentseafoods.com

3. Purpose and Goals

Trident Seafoods is seeking an exempted Fishing Permit (EFP) to conduct a project over three calendar years to develop and test modifications to the footrope of the standard pelagic trawl used to harvest walleye pollock (*Gadus chalcogrammus*) in Alaska. To allow for this gear innovation, an exemption is requested to regulation 14 (vii) of § 679.2 stating that the pelagic trawl “Has no more than one fishing line and one footrope for a total of no more than two weighted lines on the bottom of the trawl between the wing tip and the fishing circle” (Title 50/ Chapter VI/ Part 679/ Subpart A; [eCFR :: 50 CFR 679.2 -- Definitions.](#)). By being able to work outside the confines of that subpart of the gear definition, there will be more latitude to design modifications to the footrope. This exemption will allow for the development and testing of novel footrope design concepts that aim to (and are anticipated to) minimize seafloor contact by the gear when targeting pollock that are on or near the seafloor, while maintaining (or maximizing) catch efficiency.

3.1 Background

Fishing gear modification is an effective way to mitigate incidental impacts of fishing while maintaining (or maximizing) catch efficiency. To increase the efficacy of the modification, it should result in no (or minimal) change to the gear performance or catch composition, should not affect (or impede) fishing operations or safety, and should ideally minimize overall changes required and costs. In addition, when aiming to reduce incidental impacts, it is important not to reduce catch efficiency as that can result in increased effort, which can translate to an increase in overall impacts. Because of that, when testing gear modifications, catch efficiency must be assessed in addition to changes in the impacts being evaluated. Further, it is important that the gear modifications meet the regulatory gear definitions.

For the pelagic trawl used to harvest pollock in Alaska, the current gear definition is being evaluated with the aim of updating the descriptions to reflect the gear currently being used and to allow for gear innovation so that improvements can continue to be made.

In parallel with ongoing efforts to update these definitions, we aim to evaluate how the trawl footrope can be modified to minimize seafloor contact when targeting pollock that are on or near the seafloor. In 2023, with approval from NOAA Fisheries, we began a pilot project aimed at designing modified footrope concepts and developing the tools needed to test these designs while fishing. The primary gear modification involves altering the length and orientation of the existing footrope components in a way that maintains sufficient weight to ensure the proper opening (i.e., shape) of the net, while also resulting in less bottom contact. The re-design of the gear results in having more than two weighted lines, but, due to the design of the modified footrope, results in less total bottom contact. In 2023 and 2024, pilot tests of an initial design were conducted on Trident Seafoods vessels. Preliminary findings show that there is merit to further iterative testing aimed at assessing both seafloor contact and associated changes to catch and operations.

Current regulatory definitions of the pelagic trawl constrain the ability to develop modifications to the footrope further, outside of the pilot effort. Therefore, until the gear definitions are amended to allow for flexibility related to gear innovation, an EFP is required to continue to evaluate footrope modifications and build on the momentum gained through the pilot project. We also recognize that the scope of the project findings will be limited to the net and vessel type (e.g., net design and catcher vessel or catcher processor), and therefore seek an EFP to extend testing as broadly as possible to understand the influence of these variables so that any implemented design results in reliable performance and reduction in contact.

3.2 Proposed Exemption(s)

Under this EFP, participating vessels would be exempt from regulation 14 (vii) under § 679.2 (Title 50/ Chapter VI/ Part 679/ Subpart A; [eCFR :: 50 CFR 679.2 -- Definitions.](#)) that a pelagic trawl used in the pollock fishery “Has no more than one fishing line and one footrope for a total of no more than two weighted lines on the bottom of the trawl between the wing tip and the fishing circle”. A Categorical Exclusion (CE) is requested because it meets the requirements of E6 under the Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities ([Companion Manual \(noaa.gov\)](#)) that the project “involves the development and testing of new and modified fishing gear and technology in order to reduce adverse effects from fishing gear on non-target species, and is limited in size, magnitude, or duration with no potential for significant individual or cumulative significant impacts on the human environment”. This EFP would allow for an exemption to the definition of trawl gear as described in 14 (vii) to promote gear innovation. Potential for significant individual or cumulative impacts on the environment is unlikely due to the configuration of the modified footrope, which is designed to reduce potential bottom contact of the footrope, despite there being additional lines in the water. The manner the additional lines are connected to the net will reduce bottom contact and impacts on non-target species. Also, because initial results suggest no significant changes to catch rates and fishing effort, no additional impacts to the environment are anticipated.

4. Technical Details

4.1 Amounts of Each Species, Including Prohibited Species

No additional amounts of any species are requested for harvest or catch allowance under the requested EFP outside of existing catch quota and prohibited species catch limits associated

with the participating vessels, and the disposition of all catch will be as per standard fishing and processing operations under current fishing regulations for Community Development Quota (CDQ) and the American Fisheries Act (AFA) (inshore, catcher/processor, and mothership) sectors.

4.2 Marine Mammals and Endangered Species

Impacts to marine mammals and endangered species are not expected to vary from current pollock fishing.

4.3 Timing and Area

The timeframe for the requested EFP fishing is January 1, 2025 to December 31, 2027 (3 calendar years).

Fishing under this EFP will not be conducted within any protected or restricted areas that are otherwise closed to AFA and CDQ fishing under current regulations.

4.4 Vessel and Gear

Participating vessels will include the five Trident Seafoods vessels (see Section 7) that have been involved in the pilot study for this project (F/Vs *Gladiator*, *Golden Dawn*, *Northern Patriot*, and *Sovereignty*; and the C/P *Island Enterprise*) and additional AFA and CDQ vessels targeting pollock that join the project. The EFP would not be limited to Trident Seafoods vessels and would include vessels that deliver to shoreside plants, motherships, and are factory trawlers. For each new participating vessel, Dr. Yochum (principal investigator) will notify the Alaska Regional Administrator of NMFS in writing of the name of the vessel selected, including associated document numbers, and will also notify all relevant enforcement agencies of the addition (e.g., ADFG, NMFS, and the US Coast Guard). All vessels will be equipped for pollock fishing in Alaska and will use pelagic pollock trawls. Gear and fishing operations will be as per current management regulations except for the modifications exempted under this EFP.

4.5 Funding

Funding for this project is being provided by Trident Seafoods in the form of Dr. Yochum and Mr. Carroll's time to oversee the project and the support of operations staff and vessel captains and crew; Dr. Yochum's time, supplies and equipment for field testing and analysis; and the cost of gear modifications on Trident Seafoods vessels. Funding for the cost of modified gear on non-Trident Seafoods vessels will be covered by the vessel/ its associated company.

4.6 Tribal Consultation

Not applicable.

4.7 Additional Permits

No additional permits are required to carry out this EFP project.

4.8(a) Experimental Design and Analysis

The EFP project will build on the pilot project by developing and testing modified footrope designs during commercial fishing operations. This includes assessing changes to bottom contact and catch (composition and efficiency), gear performance, and fishing operations and

safety. Designs will also be assessed for their costs, required maintenance, and ease of installation (and obtaining materials) relative to a standard footrope.

4.8(b) Reporting Requirements and Associated Timing

An annual report will be submitted that includes a summary of the vessels participating, any problems and successes, and how well EFP objectives were accomplished. Within six months of the end of EFP fishing, a final report will be submitted to NMFS that updates the interim reports and describes how well EFP objectives were accomplished. The reports will be disclosable to the public and EFP results will be presented to the North Pacific Fishery Management Council (Council) upon request.

4.8(c) Public Release of Information

Data will be provided describing the aggregate catch information for participating vessels, in addition to the information described in section 4.8(b).

5. Observers

During the duration of the requested EFP fishing, the observer coverage will be within the scope of standard observer operations under current regulations. Participating vessels may include both those with manned observers and electronic monitoring as this difference will not affect testing.

6. Principal and coordinating parties


Dr. Yochum and Mr. Carroll will oversee this EFP project and will be responsible for presenting information to NMFS and the Council and its advisory panels as requested. Dr. Yochum will lead gear design, field work and analysis, and NOAA correspondence and administration (e.g., vessel list updates, reporting). Captains on participating vessels, operations managers, local net manufacturers, and others with knowledge of gear design and use related to the Alaska pollock fishery will collaborate on this project. Captains of vessels fishing under the EFP will be responsible for providing information to Dr. Yochum as requested about gear performance and use, including areas fished and catch information.

7. Vessel Information (50 CFR 600.745(b)(2)(iv))

The following Trident Seafoods vessels will be covered by the EFP once issued: F/Vs *Gladiator*, *Golden Dawn*, *Northern Patriot*, and *Sovereignty*; and C/P *Island Enterprise*. Additional vessels (within and outside of Trident Seafoods) will be added as the project progresses.

Vessel Name	<i>Gladiator</i>	<i>Golden Dawn</i>	<i>Northern Patriot</i>	<i>Sovereignty</i>	<i>Island Enterprise</i>
Vessel Owner, Address, and Telephone Number	Trident Seafoods 5303 Shilshole Ave NW Seattle, WA 98107 (206) 297-6524				
Vessel Federal Fisheries Permit Number	1318	1292	2769	2770	3870
USCG Documentation Number	598380	604315	637744	651752	610290
Home Port	Seattle, WA, USA	Seattle, WA, USA	Seattle, WA, USA	Seattle, WA, USA	Seattle, WA, USA
Vessel Length (ft)	100.6	132.6	149.6	149.6	280.8
Net Tonnage	133	227	247	247	2407
Gross Tonnage	196	285.89	394.27	394.27	2912

8. Applicant Signatures



Noëlle Yochum, PhD, Trident Seafoods



Shannon Carroll, Trident Seafoods



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, AK 99802-1668

MEMORANDUM FOR: The Record

FROM: Jonathan M. Kurland
Regional Administrator

SUBJECT: Categorical Exclusion (CE) for the Exempted Fishing Permit (EFP) to Develop and Test Modifications to the Footrope of the Standard Pelagic Trawl Gear (EFP 2024-02) [RTID 0648-XE287].

DATE: [Insert date signed]

The National Oceanic and Atmospheric Administration's (NOAA) Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities (NOAA Administrative Order 216-6A) and Companion Manual for NAO 216-6A (NOAA NEPA Companion Manual) establishes NOAA's policy and procedures for compliance with the National Environmental Policy Act, the CEQ regulations, Executive Order (EO) 12114 (Environment Effects Abroad of Major Federal Actions), EO 11988 and EO 13690 (Floodplain Management), and EO 11990 (Protection of Wetlands). These procedures, the CEQ regulations as effective July 1, 2024, and NEPA, as amended by the Fiscal Responsibility Act, as well as NOAA NEPA's Post-Phase 2 Interim Guidance on the Application of Revised Council on Environmental Quality NEPA Regulations, were used to examine this application for an Exempted Fishing Permit (EFP) to Develop and Test Modifications to the Footrope of the Standard Pelagic Trawl Gear (EFP 2024-02).

Description of the Proposed Action:

The proposed EFP 2024-02 would exempt participants from complying with regulations found in Section 50 CFR 679.2 "Authorized fishing gear", paragraph (14)(vii), which states that pelagic trawl gear means a trawl that "[h]as no more than one fishing line and one footrope for a total of no more than two weighted lines on the bottom of the trawl between the wing tip and the fishing circle." This temporary regulatory exemption would be valid only under the terms of the proposed EFP 2024-02, and from 1/1/25 to 12/31/2027. The temporary exemption would apply to vessels that are approved participants in the EFP. The primary gear modification involves altering the length and orientation of the existing footrope components in a way that maintains sufficient weight to ensure the proper opening (i.e., shape) of the net, while also resulting in less bottom contact.



The re-design of the gear results in having more than two weighted lines, but, due to the design of the modified footrope, results in less total bottom contact. This EFP will also identify other gear changes needed, and the costs of modifications to the footrope of a pelagic trawl.

Categorical Exclusion Category (NOAA NEPA Companion Manual, Appendix E):

Research Actions, E6. Research that involves the development and testing of new and modified fishing gear and technology in order to reduce adverse effects from fishing gear on non-target species, and is limited in size, magnitude, or duration with no potential for significant individual or cumulative impacts.

Effects of the Proposed Action(s):

In accordance with 40 CFR 1501.3(d) and 1508.1(mm), this section addresses the proposed action's potential effects and the significance of those effects in terms of context and intensity.

The proposed EFP would allow Trident Seafoods to develop and test modifications to the footrope of the standard pelagic trawl gear that aims to minimize seafloor contact by the footrope when targeting pollock that are on or near the seafloor. This EFP will help facilitate innovation to reduce impacts to the environment from pelagic trawl fishing and provide transparency in the development of new gear designs. This action aims to test gear that reduces adverse effects from fishing gear on the seafloor and non-target species. The proposed EFP is limited in duration to three calendar years. The proposed EFP does not request additional amounts of species for harvest or catch allowance outside of existing catch quota and prohibited species catch limits associated with the participating vessels. During the duration of the proposed EFP, there will be no changes to monitoring and observer requirements.

Evaluation of Appropriateness:

CE E6 is appropriate for this action. The proposed EFP does not change the fishing season, amount of pollock allocation, or spatial location of pollock harvest. The proposed EFP is limited to development and testing of the footrope of a pelagic trawl, and does not propose to modify any other aspects of pelagic trawl gear, as that term is defined in Section at 50 CFR 679.2 "Authorized fishing gear", paragraph (14). The proposed EFP is limited in duration to three calendar years. Therefore, this action is limited in size, magnitude, and duration with no potential for significant individual or cumulative impacts.

This proposed action is not connected to a larger action and can therefore be reviewed independently from other actions under NEPA. The action does not involve any of the extraordinary circumstances listed in the NOAA NEPA Companion Manual.

Categorical Exclusion Determination:

Based upon the above analysis, NOAA has determined that the action proposed falls within Categorical Exclusion Category, Research Actions, E6, a category of actions that does not normally have a significant effect on the quality of the human environment, is not connected to a larger action (40 CFR 1501.3(b)(3)), and does not involve extraordinary circumstances precluding

use of the CE. As such, NOAA has determined that it is categorically excluded from further NEPA review.

The original signed memorandum will be maintained in the record for the action.


DRAFT



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Alaska Fisheries Science Center
7600 Sand Point Way N.E.
Seattle, Washington 98115-6349

September 16, 2024

MEMORANDUM FOR: Jonathan M. Kurland
Regional Administrator, Alaska Regional Office

FROM: Jennifer Ferdinand 
Deputy Science and Research Director
Alaska Fisheries Science Center

SUBJECT: Exempted Fishing Permit (EFP) Application from Trident
Seafoods to test trawl gear footrope modifications

The Alaska Fisheries Science Center (AFSC) has reviewed the EFP application from Trident Seafoods which would waive regulatory requirements associated with pelagic trawl gear configurations.

The AFSC supports the ongoing efforts to modify net footropes to minimize seafloor contact in pelagic pollock fisheries and understand that the work preceding this EFP application has shown enough promise to warrant further testing aboard more platforms (catcher vessels of various sizes and catcher processors).

We found no concern with the objectives, scope, or methods described in the EFP and look forward to hearing the results.

