



North Pacific Fisheries Association
· P.O. Box 796 · Homer, AK · 99603

Mr. Eric Olson, Chairman
NPFMC
605 W. 4th Ave, Suite 306
Anchorage, AK 99501-2252

May 22, 2014

Re: Agenda Items D1/D2 Halibut PSC limits in BSAI

Dear Chairman Olson;

The North Pacific Fisheries Association represents commercial halibut fishermen who fish throughout the state. Our members who fish in the Bering Sea have seen their halibut quotas reduced to the lowest levels since the advent of the modern halibut fishery – which began to recover in the mid 80’s after years of foreign trawling. Our members who fish for halibut in the Gulf of Alaska recognize that the best science shows that juvenile halibut in the Bering Sea later in life populate all areas of the Gulf and beyond to Canada and the West Coast. What happens in the Bering Sea affects all halibut users in Alaska.

The entire Bering Sea directed halibut catch limit in 2014 has been reduced to only three million pounds from almost 8 million pounds three years ago. The three-year forecast looks like the prospect of no directed fishery in areas 4CDE is a very real and sobering possibility. At the same time the halibut PSC limits in the Bering Sea have not been reduced appreciably since 1993 --or at least not proportionally to the decline in the directed fishery.

The Bering Sea has an estimated bottom area (between 0 and 400 fathoms) of 477,342 square miles and has a catch limit in 2014 of only 3.275 million pounds and an exploitable biomass of only approximately

35 million pounds. (Area 2c in Southeast Alaska by comparison has 14,329 square miles of halibut area and has a combined commercial and charter catch of 4.16 pounds and exploitable biomass of 25.4 million (IPHC)). The Bering Sea has the most productive marine shelf/edges in the world with the largest groundfish industry in the world, and there are only 3 million pounds of halibut for directed users. The Bering Sea is entirely out of balance in this respect. The groundfish industry is winning and the halibut resource and users (commercial, charter, sport and subsistence) have lost if the trend is not reversed.

The Council must balance the requirements of National Standard 1, the requirement to achieve optimum yield and National Standard 9, to minimize bycatch and bycatch mortality to the extent possible. When more halibut in the Bering Sea are being used as bycatch than in the directed fishery the balance has been lost.

Furthermore there is National Standard 8: “Take into account the importance of fishery resources to fishing communities to provide for the sustained participation of, and minimize adverse impacts to, such communities (consistent with conservation requirements).” 2014 CDQ 4C halibut catch limits are less than 300,000 pounds of halibut for both Pribilof communities. The 4D CDQ is only 180,000 pounds for all the CDQ communities to share. The entire 4B CDQ catch limit is only 228,000 pounds for communities in the Aleutians. By comparison, in recent years a single longline vessel might catch 250,000 pounds in a year.

The 2006 year class of juvenile halibut was thought to be an exceptionally high recruitment year offering some hope for reversing a decade long decline. The year class has no longer considered exceptional and there are no good year classes coming to our rescue. It is well documented that the average growth of halibut at age has decreased for over a decade. These slow growing fish are extremely vulnerable to being caught as bycatch. Some male halibut are 12-15 years old before they can be harvested in the directed fishery. That is over 10 years of being lifted off the bottom on hooks, squeezed thru meshes, run over by rollers, trying to evade killer whales, etc. before they reach 32 inches and can be utilized in the directed fishery.

It is often said by the ground fish industry that halibut is the currency that keeps them fishing. But the bycatch wastage is greater than the directed use of this resource. There have been many amendments to the Bering Sea FMP over the past 25 years that consider halibut in rationalization and co-op efforts, but there have never been provisions to have PSC limits that float with abundance. The bottom line is that all of these amendments tipped by the natural fluctuations of the stock have culminated a free fall in the halibut population. (796 mil pounds of total exploitable biomass in 1997 to 170 mil pounds in 2014) The ground fish industry may be a billion dollar a year fishery, but halibut has been reduced to only about \$15 million in 2014(3 million pounds @ \$5/lb), and the downward trend will continue. The way the system is constructed halibut are a currency to be spent, but never to be saved.

For too long the IPHC has been only managing part of the removals. In the Bering Sea the IPHC is managing a smaller and smaller portion of the removals (5 million pounds of bycatch vs. 3 million pounds of directed fishery). PSC limits are so high vis-a-vis the biomass that the limits are not even constraining for many sectors in the Bering. This disconnect between PSC limits that do not fluctuate with abundance and a rapidly declining resource needs to be immediately addressed. The directed fishery in the Bering Sea regulatory areas are heading for no fishing limits while the groundfish fisheries operate business as usual. The directed halibut users are bearing all of the weight of the rebuilding conservation efforts, but it is clear that without reduced mortality by ALL users there will be no recovery. Recovery will require reducing fishing mortality by all sectors.

The Council, NMFS and the US government have since World War II several times had to promote halibut rebuilding in the Bering Sea. We feel that the Council needs to aggressively and rapidly institute measures:

Analyze trawl closures that may have led to rebuilding in the past.

Analyze the interplay between the IPHC and the Council process. Is the best way to manage the halibut resource to have the PSC estimates come off the top first, and then have the IPHC arrive at a fishery CEY

limit afterwards? Consider how u26 halibut bycatch is not being accounted for in catch limits and whether that is a good policy.

Should one body manage all removals when there are conservation concerns? It appears that neither body (Council or IPHC) is getting what everyone wants and that is sustainability and stability. If retrospective analyses year after year find less halibut than were estimated the year before despite severe cuts to fishery CEY, shouldn't there be mechanisms to address the deficit? If Bering Sea halibut was a federal fishery would it be in the overfished status? If halibut were designated as overfished in the Bering Sea what measures would be taken that currently are not being taken?

The IPHC is setting catch limits while exceeding its harvest rate policy in area 4. The IPHC routinely exceeds its own catch limit recommendations (now Blue Line "advice") in Area 4. One Commissioner stated he was not going to leave local fishermen on the beach when they could see the sodium lights of the CPs (bycatch users) right off-shore. Although we agree with the sentiment, shouldn't there be a mechanism that if the IPHC exceeds their best science advice that the difference be made up by a reduction in the PSC amount for that area? Continuing to take out more fish from an area than is sustainable is not going to rebuild the stock.

Examine Sea lion measures that shifted fishing seasons with more harvest coming in the fall when cod and halibut are mixed.

Analyze the CP longline sector:

What have been the effects of the CP hook and line co-op fishing year-round? How is a year-round p-cod fishery affecting halibut? When killer whales are present (they are omni-present) how are observers accounting for halibut being stripped off the lines selectively? "We love it when the killer whales show up, then there is zero halibut bycatch." – or at least no accounting. Why is that? Why is there such a large incidence (over 20%) of prior hook injuries to halibut in 4C/D? It appears that the entire exploitable biomass of halibut in that area is being lifted off the bottom multiple times a year.

The caps are not constraining. The trawl PSC limit is 3626 mt or 6 mil net pounds and the non trawl PSC limit is 900 mt 1.5 mil pounds, but in 2013 the total bycatch estimate was 5.2 million pounds.

“ Current (2013) halibut bycatch in the BSAI is estimated to be 5.2 million pounds (net weight), representing 66% of the coastwide total from all non-target fisheries. By IPHC regulatory area, bycatch represents 89% (4A), 37% (4B) and 205% (4CDE) of the directed fishery landings. Much of this bycatch is comprised of halibut less than 26 inches in length (U26): 43% (4A), 29% (4B), and 39% (4CDE), with 22% being the average percent U26 in the most recent five years across the entire coast. Current IPHC catch limits only account for the removals of halibut over 26 inches in length (O26). “(IPHC)

High static caps with a rapidly declining resource are at first an implicit re-allocation of the halibut resource. The Council in effect allocates to bycatch users First and the IPHC and the directed users have to manage and live off of what is left over. When areas are approaching no fishing and the resource continues to decline it is no longer an allocative decision that only affects the directed user, the fishery dependent communities, the cultural and subsistence needs, etc. The largest removals come now by the groundfish industry and the onus is on them to reduce removals.

When PSC limits are not constraining it could be: 1.) because less halibut are estimated to be bycaught due to improving fishing practices (bycatch avoidance). 2.) Or, observers and managers may be underestimating the number of halibut caught. (All halibut removed by the directed fishery are weighed to the fraction of a pound. All halibut caught as bycatch are estimated and highly extrapolated with a mortality rate applied and there is uncertainty in these estimates.) 3.) Or, the halibut aren't there any more (the total biomass is at such a low level that they are less available to the groundfish industry). We believe all three of these are contributing to the PSC limits not being attained.

Observers: Observer protocols – observers should be spending more time enumerating PSC as a priority (counting the halibut). What percentage of hauls on “100%” observed vessels are actually observed? Mortality rates need to be examined, mortality rates with killer whales in particular – e.g. the mortality rate applied to hook and line CPs and autobaiter boats running 30,000 hooks a day and hauling at 4 knots is the same as a snap-on boat that runs 2000 hooks a day and idles down the gear. How do observers account for bycatch when killer whales are

present during long line sets? How are viable halibut that are discarded from trawlers that are then consumed by killer whales accounted for? When killer whales are present isn't 100% mortality a reasonable rate?

Amendment 80: The Amendment 80 factory head and gut trawl fleet is the biggest user of Bering Sea halibut bycatch. The Council needs to look for reductions there.

Amendment 85 should be examined. Can more cod be harvested with less bycatch by shifting allocations to the pot sectors? There is a known gear type for cod that does not catch halibut, why isn't the Council allocating more Pcod to that sector to reduce halibut bycatch? Using pots for cod may not have been a historical gear type at the time of Amendment 85. Small allocations were made to the pot sector at the time. Allowing gear conversions or allocating to pots is another avenue to reduce halibut bycatch.

Compensation: Whose fish are they? "The term "bycatch" means fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards and regulatory discards." (MSA) Isn't the implied meaning of bycatch that it is a minor tolerated use of a resource? What happens when bycatch wastage is greater than directed uses?

Should every bycaught halibut in the Bering Sea be retained, weighed and accounted for, so managers have accurate removal amounts and the directed users compensated for their loss of yield?

All of these comments and questions bring to mind one more question: if perpetuating a system where more of a resource is wasted than used, shouldn't the law (MSA) be changed to correct the system? We urge the Council to act before the directed halibut user goes to zero.

Respectfully submitted by North Pacific Fisheries Association Board of Directors