

ADVISORY PANEL
Motions and Rationale
December 2-3, 6-9, 2021 - Anchorage, AK

C2 Halibut ABM

Motion 1

The Advisory Panel recommends the Council select Alternative 4 as the Preferred Alternative at Final Action.

Alternative 1: No Action

Alternative 2: A 3X2 look up table with PSC limits that range from current PSC limit to 20% below current limit. PSC limit is determined annually based on the most recent survey values from the most recent year available.

| | | EBS shelf trawl survey index (t) | |
|--|-------------------------------------|---|---------------------------------|
| | | Low <150,000 | High ≥150,000 |
| IPHC setline survey index in Area 4ABCDE (WPUE) | High ≥11,000 | 1,571 mt (10% below current) | 1,745 mt (current limit) |
| | Medium 8,000– 10,999 | 1,483 mt (15% below current) | 1,571 mt (10% below current) |
| | Low <8,000 | 1,396 mt (20% below current) | 1,483 mt (15% below current) |
| | | | |

Alternative 3: A 4X2 look-up table with PSC limits that range from 15% above current PSC limit to 30% below current limit. PSC limit is determined annually based on the most recent survey values from the most recent year available.

| | | EBS shelf trawl survey index (t) | |
|--|--|---|---------------------------------|
| | | Low < 150,000 | High ≥ 150,000 |
| IPHC setline survey index in Area 4ABCDE (WPUE) | High ≥ 11,000 | 1,745 mt (current limit) | 2,007 mt (15% above current) |
| | Medium 8,000 – 10,999 | 1,396 mt (20% below current) | 1,745 mt (current limit) |
| | Low 6,000-7,999 | 1,309 mt (25% below current) | 1,396 mt (20% below current) |
| | Very Low < 6,000 | 1,222 mt (30% below current) | 1,309 mt (25% below current) |

Alternative 4 PPA: A 4X2 look-up table with PSC limits that range from current PSC limit to 45% below current limit. PSC limit is determined annually based on the most recent survey values:

| | | EBS shelf trawl survey index (t) | |
|--|--|---|---------------------------------|
| | | Low < 150,000 | High ≥ 150,000 |
| IPHC setline survey index in Area 4ABCDE (WPUE) | High ≥ 11,000 | 1,396 mt (20% below current) | 1,745 mt (current limit) |
| | Medium 8,000 – 10,999 | 1,222 mt (30% below current) | 1,396 mt (20% below current) |
| | Low 6,000-7,999 | 1,047 mt (40% below current) | 1,222 mt (30% below current) |
| | Very Low < 6,000 | 960 mt (45% below current) | 1,047 mt (40% below current) |

Options (May apply to all action alternatives):

~~Option 1: PSC limit is determined using a 3-year rolling average of survey index values instead of the most recent survey value.~~

~~Option 2: In the first year of implementation, the PSC limit varies no more than (suboptions i: 10% or ii: 15%) per year from the status quo limit (1,745 mt).~~

~~Option 3: Establish an annual limit of (suboptions: i: 80% or ii: 90%) of the PSC limit generated by the look-up table. In 3 of 7 years, the A80 sector may exceed the annual limit up to the PSC limit generated by the look-up table. If the A80 sector has exceeded the annual limit in 3 of the past 7 years, then (suboptions: 80% or 90%) of the PSC limit generated by the look-up table the annual limit is a hard cap for the following year.~~

~~Option 4 (mutually exclusive with Options 2 and 3): PSC unused in one year may roll to the following year to increase the PSC limit generated by the lookup table up to 20%. Any PSC savings in excess of 20% would stay in the water.~~

Motion failed 9-11

Rationale in Opposition:

- *As stated in the Purpose and Need, this action is a balance between achieving optimum yield in the Bering Sea Amendment 80 fisheries under National Standard 1 and reducing bycatch to the extent practicable under National Standard 9. Selecting Alternative 4 would not be balancing the National Standards. The DEIS analysis is clear that there is at most a de minimis conservation benefit and no benefit to the halibut spawning stock biomass from this action and as such, there is no guarantee of a benefit to future directed halibut fisheries from this action. In contrast, the DEIS analysis is clear that there will be negative economic impacts to the Amendment 80 sector from each of the action alternatives. All of the information contained in the analysis is the best available science available to the Council, which is also a requirement of National Standard 2 under the MSA. This extensive analytical package has been an iterative process and is the culmination of many years of work, including significant SSC, Council, and public input throughout. While disagreement with the conclusions in the analysis have been expressed, that does not mean the findings are inaccurate.*
- *One of the primary drivers of this action is the desire to better match halibut PSC with the abundance of halibut such that a static PSC cap does not become a larger proportion of the halibut available to the directed fishery. By linking halibut PSC limits to stock abundance, each of the action alternatives appears to achieve this goal, but in reality there's a negative correlation between the abundance of halibut reflected in the indices and halibut encountered in the Amendment 80 fisheries. When the indices suggest halibut is lower, the Am80 sector can have more trouble avoiding halibut thus making this approach impracticable. It is the scale of the tradeoffs encompassing the costs to the Amendment 80 sector vs. the benefit to the directed fishery and Area 4CDE that differentiates each of the action alternatives. The DEIS is able to hindcast the cost of PSC reductions under the alternatives to the Am80 fleet. These results, combined with written and oral testimony and the conclusion in the analysis that all PSC reduction tools (e.g., excluders and decksorting) are currently being maximized, mean that Alternative 4 is too aggressive of an approach (costs are not balanced by the benefits).*

- *Although halibut PSC limits for the CDQ sector will remain unchanged under any alternative, this action could have negative downstream effects on the ability to fully harvest and lease CDQ quota as nearly every group relies on partners from the impacted Am80 sector to harvest their multi-species CDQ allocation. Potential costs and benefits to the CDQ sector as a whole resulting from the action alternatives are difficult to quantify and vary by group depending on a number of factors including, investments in the BSAI groundfish fisheries, the group's allocation portfolio and local fishery participation that has both economic and cultural importance to the residents of the region. Revenue generated through CDQ participation in the BSAI federal fisheries-both through royalties from the harvest of their CDQ allocations and investments in fishing operations enables the program to carry out its overall mission of providing economic development to Western Alaska communities. The diverse range of regionally specific programs provided by each group often supports local small boat fishermen and fishing operations in some of Alaska's most remote and high-cost regions. While the revenue generated from federal fisheries is critical to the ongoing success of the CDQ program, it is not the only consideration when balancing the tradeoffs of regulatory action. Each CDQ group represents Western Alaska communities that face unique challenges and considerations, and make decisions based on their continued ability to offer support to all of the communities they represent. One group in the CDQ sector also has equity investment in an Am80 company with a large dependency on flatfish that could be negatively impacted under some action alternatives.*
- *While some AP members expressed concern that Alternative 4 was not supported by the findings of the analysis, they did support changes to halibut bycatch management and meaningful reductions in order to protect fishing opportunities for the directed fleet during low levels of abundance. Alternatives other than 4 exist that could still achieve significant bycatch reductions and are more defensible.*
- *It is recognized that under the IPHC SPR approach, PSC and subsistence use is removed from the total allowable halibut harvest prior to directed catch levels being distributed to each of the regulatory areas. Only the IPHC can make determinations on annual catch limits for halibut in the directed fisheries. As such the impact of halibut PSC reductions under this action on catch limits for commercial halibut fisheries is dependent on IPHC policy and management decisions. IPHC decisions for area-specific TCEY's are made considering a totality of biological and economic information and they may differ from the IPHC's stated harvest policy and target fishing rate. This was done without harm to the stock in those years when the survey results suggested the Area 4CDE biomass could only support a relatively small directed fishery as the IPHC increased the 4CDE share relative to other areas to ensure a substantial fishery. Additionally, suggestions that a 1 pound reduction in PSC will result in a 1 pound or more increase to the directed fishery ignore many of the dynamics of the coastwide halibut stock including recruitment, sex and size ratio of the population, and migration. IPHC analysis states that no simple conversion rate exists for translating mortality among fisheries that differ appreciably when operating on a stock with dynamic biology.*
- *Regarding the coastwide halibut population, analysts stated that the current population is closer to the historical normal biomass and that high recruitments from the early 1900s and 1987 are outliers. The halibut stock is not overfished (recent biomass at 33%) and according to the IPHC the stock is at a level expected for long term conservation. The high biomass in the early 2000s was due to an unprecedented high spawning event. As such, it needs to be recognized that returning to previous high catch levels will likely not be attainable over the long-term. Further, drastic reductions in directed fishery catch levels that occurred beginning*

in 2013 were primarily driven by the decrease in halibut SSB (30% decrease) that resulted from the IPHC fixing the retrospective bias in the halibut stock assessment. While PSC did go up in 2013 & 2014, it was not as big a driver as the 30% drop in biomass. The major drivers of availability of halibut to Area 4CDE are management decisions from the IPHC, which are impacted by negotiations with Canada and distribution of catch limits across management areas, as well as prohibiting directed removals of the U32 halibut, since huge numbers of U32 male halibut are failing to grow to the 032 size threshold. IPHC changes to these and a variety of other factors that are outside of the Council's purview, could negate the small benefits this action may have.

- *The DEIS analysis states that this action results in a negative net benefit to the nation. Given the expected cost increases to the Amendment 80 sector and the differing impacts and magnitude of impacts to producers and suppliers of both the Amendment 80 sector and the directed halibut fishery, producer surplus is expected to be negative because the expected catch reductions in the Amendment 80 sector are not offset by equivalent catch increases in the directed halibut fisheries. Any alternative recommended under this action must be able to explain how the hardships imposed on the Amendment 80 fleet are outweighed by the potential benefits received by the directed halibut fishery. Alternative 4 does not do that. NEPA requires alternatives that meet the purpose and need statement. It is understood and appreciated that the directed fishery, and especially Area 4CDE, desire more halibut to support viable fishermen and communities. However, this guarantee falls outside the scope of this action and Council purview while coming at a tremendous cost (\$100 million dollar revenue loss to the Am80 sector, including lost jobs for minority populations and ripple effects to support businesses, for approximately 46,000 lbs more halibut to St. Paul). The Council doesn't manage the directed fishery, where policy changes within the IPHC could negate even the minor benefits this action could have to shift 026 mortality to be available for harvest in Area 4CDE.*
- *Even if non-directed halibut bycatch is zero, it is unlikely that there will be conservation benefit due to the halibut potentially being reallocated into the directed halibut fisheries. The directed fisheries target larger halibut of which a higher percentage are females, thus having potential to affect the SSB. IPHC analysis states that the largest component of mortality has been the directed commercial fishery, comprising approximately two-thirds of the total in recent decades and showing the largest effect on SSB when removed. Given this lack of surety for positively affecting the future of directed halibut fisheries, it is unclear what will happen in the future, after action is taken and implemented, when more halibut is not immediately and readily available to the directed fishery and Area 4CDE.*
- *With a 40% reduction in the halibut PSC level, the Amendment 80 sector will shut down on halibut every year going forward (functionally a static cap). Identifying the definition of practicability under a lower cap based on Am80 halibut usage in 2020/2021 ignores the impacts of Covid, which shutdown everything from NMFS surveys to huge parts of the fleet. In 2021, the Am80 fleet harvested approximately 40,000 mt less fish than in the past, the lowest during the history of the catch share program. 2019 more realistically reflects what should be expected in the future for halibut encounters in a warming Bering Sea.*

Rationale in Favor:

- *This action has received a large number of recent comment letters in favor of meaningful action under Alternative 4. Alternative 4 best addresses conservation sharing (promotes*

equity) at low levels of abundance. Halibut is more than money to the people of Pribilofs, Savoonga and other mostly indigenous communities in the BSAI; it is a way of life and culture. The Alaska Native people from the Pribilofs and elsewhere identify as fishermen and is where they derive their sense of dignity, self-worth, and confidence. The indigenous people of St. Paul and other halibut dependent communities have been depending on this resource for millennia and will continue to depend on it. Alternative 4 is the only one that can restore a reasonable level of equitable use of the halibut resource and protect the interests of indigenous fishermen in the BSAI.

- *The Council manages all fisheries on the basis of abundance for purposes of conservation. The halibut population is currently at B33. At B30 the IPHC will adjust their harvest strategy downward. Mortality of U26 fish can have an impact on coastwide halibut stocks over time, as supported by the IPHC's peer reviewed study (Stewart et al., 2012), which calculates a yield gain ratio of 1:1.4. Conservation of halibut through the meaningful reduction PSC reductions under Alternative 4 is necessary to help the population avoid falling below B30 and to help bring PSC management more in line with management of its other fisheries.*
- *Over the past two decades, halibut stocks have declined substantially and halibut spawning stock biomass has remained at low levels for more than 10 years. Under these low abundance conditions, PSC mortality in the BSAI has substantially reduced the amount of halibut available to the directed fishery. These reduced harvest opportunities have resulted in a significant contraction of the directed fishery and corresponding economic, social, and cultural losses to halibut fishermen, halibut-dependent communities, and Alaska Natives throughout the BSAI. Halibut bycatch is not just a Bering Sea issue. It impacts every commercial and recreational halibut fishery across Alaska's coastline. Every pound of bycatch comes from the TCEY in one area or another.*
- *Adoption of Alternative 4 will enhance and further conservation of the halibut resource. Reducing U26 mortality, particularly in the important nursery areas of Area 4CDE, will enhance coastwide halibut stocks in future years. IPHC research finds that growth in biomass of those smaller and younger fish will outpace natural mortality as they age and enter the exploitable part of the stock, resulting in a net gain in stock biomass and benefiting all user groups across all regulatory areas. Alternative 4 will allow all users of the resource to share the burdens of low abundance and the rewards of higher abundance. Alternative 4 will result in increased harvest opportunities for the directed fishery, thus helping to ensure the continued participation of halibut dependent communities in the halibut fishery, consistent with National Standard 8. It will also address the excessive share of halibut that has been allocated to Amendment 80 as PSC, consistent with National Standard 4.*
- *From 2010 to 2013 there was an average of 313 vessels fishing halibut in Area 4. Beginning in 2013, as halibut abundance declined, PSC in Amendment 80 fisheries became a larger proportion of total halibut removals in the BSAI, particularly in 4CDE. The directed halibut fishery in 4CDE was nearly preempted in 4 of 8 years - 2013, 2014, 2015, and 2020 when abundance was declining, and bycatch was increasing. During these years halibut stakeholders went to the IPHC to request adequate fishing opportunities while PSC reductions were being sought via the Council.*
- *The reduced PSC limits adopted in 2015 have not remedied the inequitable disproportionate impacts of halibut PSC, particularly in Area 4CDE. Since the PSC limits were reduced in 2015, PSC mortality in Area 4CDE has removed more than double the amount of halibut by weight than the directed fishery. Amendment 80 has successfully adapted to the limits adopted in*

2015; it has achieved the reduced PSC limits in every single year and have not once been constrained. The PSC limits in Alternative 4 are reasonable and practicable. Had Alternative 4 been in place during the five-year period from 2016 to 2020, its PSC limits would have exceeded Amendment 80's average annual PSC use in 40% of the years, and the maximum required reduction would have been only 19% (249 mt) below Amendment 80's average annual PSC use. This is consistent with the blanket 25% reduction recently imposed on the cod trawl CV sector.

- *Efforts and bycatch reductions achieved by the Amendment 80 are recognized and noted. The reductions in halibut PSC and PSC mortality achieved following adoption of the current PSC limit in 2015 demonstrate that it is practicable to achieve PSC limits well below current levels. The reduced PSC limits in Alternative 4 may be achievable using existing technologies and avoidance behaviors. The DEIS identifies tools to reduce halibut encounters and mortality that are not being fully utilized, including information sharing and avoidance behaviors within the cooperative and the full implementation of halibut excluder devices.*
- *Alternatives 1, 2 and 3 fail to satisfy the purpose and need for the action and are not consistent with the National Standards. During the current low abundance period, Alternatives 1, 2, and 3 would require only marginal reductions from Amendment 80's average annual PSC use during the period from 2016 and 2020. Thus, each of these Alternatives fails to require that bycatch and bycatch mortality be minimized to the extent practicable as required by National Standard 9. Alternatives 1, 2, and 3, which do not require meaningful reduction in PSC and PSC mortality, are thus inconsistent with National Standards 4 and 8 because they fail ensure the fair and equitable distribution of fishing privileges among United States fishermen, allow for participants in the Amendment 80 sector to acquire an excessive share of halibut fishing privileges, and fail to ensure continued participation in the directed halibut fishery.*
- *The economic models in the DEIS rely on past fishing behavior to estimate future impacts, but this approach has its limitations. For example, the economic models use of haul data from 2010 to 2014—before implementation of the reduced PSC limits in 2016 when PSC use was markedly higher—substantially inflates the modeled revenue effects because it fails to account for changes in fishing behavior adopted by Amendment 80 to comply with the lower PSC limits. Further, the DEIS expressly recognizes that lower PSC limits will result in changes to Amendment 80 behavior to mitigate or eliminate the revenue effects resulting from those lower limits. The DEIS acknowledges, however, that the economic models used to compare potential revenue effects do not account for these adaptations, which may result in the revenue effects shown in the DEIS being overstated.*
- *Under NS1, the Council may consider ecological, social and economic factors when determining OY. To this end, the MSA allows decision makers to incorporate more than what can be easily quantified such as culture and deep connection to place when determining OY and net benefits to the Nation. Net benefits to the Nation are calculated by summing all producer and consumer surplus that occurs in the US economy. Both costs and benefits are defined broadly, from the Nation's perspective, to include all surpluses that accrue to direct and indirect participants in the fishery as well as to other members of society. The groups considered include those persons who harvest or process fish affected by the action, those who provide support services to the harvesting and processing sectors of the fishing industry affected by the action, consumers of the halibut and A80 fishery products (and any other substitute species whose producer or consumer surplus changes as a direct result of the action), and members of society that are non-consumptive users of halibut that value the resource.*

- *The directed fishery in Area 4 has contracted substantially and is at continual risk of being preempted. This results in significant uncertainty that precludes investments required for a sustainable and viable directed fishery. Environmental justice considerations support adoption of Alternative 4. The directed halibut fishery provides critically needed income and economic opportunity to Alaska Natives and halibut-dependent communities that face extraordinary challenges and obstacles to prosperity, resulting from their isolated location in remote areas, limited opportunities for economic development, and the effects of historical discrimination against their predominantly Alaska Native residents. These disproportionate burdens threaten both the culture and the livelihoods of historically disadvantaged halibut-dependent communities across Alaska. Adoption of Alternative 4, which requires meaningful reductions in PSC limits at low abundance, would help to address these inequities and ensure continued participation in the directed fishery and access to subsistence halibut, which is dependent upon an active commercial fishery. Area 4CDE fishermen have combined subsistence and commercial fishing, thereby creating entangled livelihoods and economies. Most of the subsistence halibut coming into BSAI villages does so via commercial vessels and gear. Fishermen in the BSAI region often serve subsistence networks in their local community. Economic opportunities provided through participation in the directed fishery allows for those relations to continue. Section 7.2.6.3 of the DEIS, on the Cultural Importance of Halibut and Halibut Fishing, describes the significance of fishing opportunities, and lack thereof, beyond monetary impacts; however, this is insufficiently incorporated into cost-benefit analyses in the DEIS.*
- *The AP heard from representatives of Tribes and members of the public that NOAA did not adequately engage Tribes within Area 4CDE communities in Tribal Consultation. Analysis guided and informed by Tribes is necessary when considering these fishery resources are “trust resources” Tribes depend on. Per the Council on Environmental Quality, NS4, and other guidance, these fishery trust resources are managed with heightened consideration for impacts on Native peoples. As a result, this analysis is not inclusive of the best available science, which would have included LTK meaningfully in the DEIS and SIA. It is important that CDQ entities with financial interests in the trawl sector not be conflated with LTK. Without such information, the DEIS is limited in its economic discussion, which does not incorporate non-monetized values such as generational sociocultural values, many of which are closely associated with the redistribution of subsistence foods.*
- *Arguments against PSC levels that constrain the Am80 fleet have been presented in terms of food security in other populations. Food security is described in terms of food accessibility. Of particular importance to subsistence communities is the production of food, in this case halibut, in addition to (but not limited to) other activities such as distribution and consumption. Absent authentic consideration of the potential loss of these cultural values in the DEIS and SIA, a lack of meaningful PSC reductions compounds the inequity of intergenerational impacts of resource deprivation. Additionally, Seattle is not a community comparably situated to the BSAI communities, and A-80 vessel owners do not meet the criteria for a disadvantaged Environmental Justice Community.*
- *Halibut bycatch is not just a Bering Sea issue. It impacts every commercial and recreational halibut fishery across Alaska’s coastline, coastal communities, and many small boat family operations. Every pound of bycatch comes from the TCEY in one area or another. Among alternatives, Alternative 4 is expected to provide the largest benefit to the halibut resource and directed users from across the range of the halibut stock.*

Motion 2:

The AP recommends the Council select Alternative 3, Option 3 (90%) as the Preferred Alternative for final action. The annual threshold should be evaluated based on a rolling 3-year average. The annual limit will not be retained as a hard cap in subsequent years unless triggered again following an annual limit being exceeded. A program review will be conducted 3 years after implementation.

Translation of Alternative 3 PSC limits with Option 3 PS values in grey (90%) Yellow highlight denotes current abundance levels.

EBS shelf trawl survey index (mt)

| | | Low <150,000 | High ≥150,000 |
|--|------------------------|-------------------------------|-------------------------------|
| | | Performance Standard (90%) | Performance Standard (90%) |
| <i>IPHC setline survey index in Area 4ABGDE (WPUE)</i> | High ≥11,000 | 1,745 (Current) | 2,007 (+15%) |
| | Performance Standard | 1,571 (-10%) | 1,806 (+3%) |
| | Medium 8,000–10,999 | 1,396 (-20%) | 1,745 (Current) |
| | Performance Standard | 1,256 (-28%) | 1,571 (-10%) |
| | Low 6,000–7,999 | 1,309 (-25%) | 1,396 (-20%) |
| | Performance Standard | 1,178 (-32%) | 1,256 (-28%) |
| | Very Low <6,000 | 1,222 (-30%) | 1,309 (-25%) |
| | Performance Standard | 1,100 (-37%) | 1,178 (-32%) |

Motion 2 failed 6-14

Rationale in Opposition:

- *A portion of the AP felt that while a compromise position between Alternatives 1 and 4 is appreciated and should always be the goal, the DEIS shows that Alternative 3 with a performance standard will still result in significant economic harm to the Amendment 80 sector without the balance in positive tradeoffs for the directed halibut fisheries. Under 'low-low or very low-low' conditions, the PSC reductions outlined under Alternative 3 with a performance standard are too similar to those under Alternative 4.*
- *The Am80 sector is currently constrained by halibut PSC limits. There is a significant cost to avoiding halibut with all the tools that the fleet employs including loss of target species, increased inefficiency, higher carbon footprint, and costs related to fuel use and moving away from halibut. Current avoidance tools are maximized. Similar to Alternative 4, these constraints and costs will be exacerbated under Alternative 3 with a performance standard. Halibut interactions with trawl gear change over time and are extremely dynamic. As such, a performance standard must be set at a level that actually provides incentives to the fleet; a performance standard that is set too low will only serve as a defacto hard cap and result in the fleet racing to that cap.*
- *Others on the AP felt that current PSC limits are not constraining and actual PSC use is lower than what Alternative 3 would require. Alternative 3 with performance standards and a 3-year rolling average of use fails to lower the PSC cap from status quo (1745 mt) in many years when looked at retrospectively over the past 22 years, including the years of 2013, 2014, 2015 when the directed fishery was nearly shut down. The 90% performance standard from the Alternative 3 limits do not ensure that actual PSC use will decrease. Combining the performance standard with Alternative 3 does not guarantee any actual reductions in bycatch at low abundance levels or commensurate benefits to the directed fishery. While it would establish an annual limit below what Alternative 3 would otherwise provide, it allows Amendment 80 to exceed that annual limit in 3 out of every 7 years. Amendment 80 could continue to take halibut up to the higher Alternative 3 limits, which frequently requires zero reduction from the status quo, even under low-abundance conditions.*
- *The concept of using a three-year averaging of use has not been analyzed and its potential impacts are not clearly understood. The 3-year averaging of use, as proposed, could provide even more flexibility for the A80 sector, likely at the expense of the directed fishery in some years.*
- *While the PSC limits are comparable, the impact of Alternative 3 with a performance standard versus Alternative 4 is quite different. Because Alt. 3 as proposed allows the A80 fleet to exceed the performance standard "annual limit" for three years with no in-season action to curtail A80 harvest or bycatch, the directed fishery could be preempted for three or more years to buffer the resource against high bycatch levels. While benefits may accrue during years of low bycatch or when the annual limit acts as a cap, the performance standard allows the continued risk of directed fishery preemption and all the associated cultural, social and economic stress to continue, including the loss of investments into directed fishery.*
- *Alternative 3 with a performance standard does not meet the primary purpose of this action, which is to allow for a directed fishery at times of low halibut abundance.*

Rationale in Favor:

- *Despite significant bycatch improvement (reductions) from the Amendment 80 sector over the past decade, there are still some prevalent and real challenges being faced by directed halibut fisheries, particularly in Area 4CDE, and action is needed. Alternative 3 with a performance standard is a compromise between Alternative 1 and Alternative 4. It attempts to better balance conservation and equity concerns raised by the directed fishery and halibut dependent communities with the flexibility needed by the Amendment 80 sector to prosecute their fisheries. It is intended to provide meaningful reductions and is better supported by the analysis than Alternative 4.*
- *The proposed PSC limits under Alternative 3 with a performance standard will be constraining on the Amendment 80 sector in some years, but it provides the chance at establishing a successful ABM program that meets the needs of directed fishers and of Amendment 80 participants given the significant concerns expressed by many public testifiers about the impact of halibut PSC mortality on the directed fishery.*
- *The effect of the Option 3 performance standard/annual limit on top of Alternative 3 essentially results in a 32% reduction at current levels from the status quo PSC limits as shown in the modified lookup table (the yellow highlight is where we are at a current abundance), which is a significant reduction to halibut PSC. Alternative 3 on its own represents a 25% decrease from status quo at current levels of abundance while Alternative 4 represents a 40% reduction so this proposal falls in the middle. This proposal would have constrained the fleet in 2 of the past 5 years as opposed to Alternative 4, which would have been constraining in 4 of the past 5 years. Inclusion of a performance standard incentivizes avoidance of PSC whereas a hard PSC cap (without a performance standard) may create tendencies for the Am80 sector to fish right up to the PSC cap, especially under lower limits. The performance standard/annual limit would function as a de facto lower secondary cap in most years while allowing some flexibility for mortality to fall between the lower annual limit and the hard cap if the Am80 fleet needs it, until 3 out of any 7 years that annual limit is exceeded, at which point that lower annual limit becomes the hard cap for one year. While concerns have been expressed by the A80 sector that the performance standard will only work if they are able to achieve them, having a performance standard is more advantageous than just a lower harder cap that exists with Alternative 4. Additionally, the inclusion of Option 3 aligns with the Purpose and Need language that the “Council is considering a program that links the Amendment 80 sector PSC limit to halibut abundance and provides **incentives for the fleet to minimize halibut mortality at all times.**”*
- *Including the rolling average is necessary to make the performance function properly. Staff indicated that without a rolling average, Option 3 could result in unintended negative incentives to avoid bycatch in situations where the annual limit is close to or likely to be exceeded and that additional mechanisms such as a rolling average should be considered to incentivize the fleet not to consume the remaining 10 percent buffer between the annual limit and the actual PSC cap. The overall PSC mortality in any one year remains relevant to bycatch avoidance actions that could impact the next year and provide incentive to continue to reduce bycatch to the extent practicable under any situation of a single year overage.*
- *The compromise achieved under this motion better weighs the perceived risks and effects of each of the alternatives and better balances the national standards as they apply to this action. While many people have noted deficiencies in the DEIS both through written and public*

comment, an analysis does not need to be perfect to be informative. The gleaning of information in an action like this is incredibly complicated. The analysts were transparent and identified areas of uncertainties and appropriately caveated their conclusions throughout the analysis. Their work and methodologies have been thoroughly vetted through the SSC in a highly iterative process. Given the significant management change under this action, it is imperative that a program review be included as part of the program.