

Advisory Panel

C2 Motion

April 2021

ADVISORY PANEL
Motions and Rationale
April 6-10, 2021 - Anchorage, AK

C2 BSAI Halibut ABM

1. The AP recommends that the Council revise the Halibut ABM analysis according to the recommendations from the SSC before publishing the draft EIS, and prior to selecting a Preliminary Preferred Alternative. ~~and select Alternative 4 as the preliminary preferred alternative (PPA).~~
2. The AP recommends the following changes to the October 2020 Council motion language, using strike-through for elements removed and bold for new elements.

Purpose and Need:

Halibut is an important resource in the Bering Sea and Aleutian Islands (BSAI), supporting commercial halibut fisheries, recreational fisheries, subsistence fisheries, and groundfish fisheries. The International Pacific Halibut Commission (IPHC) is responsible for assessing the Pacific halibut stock and establishing total annual catch limits for directed fisheries and the North Pacific Fishery Management Council (Council) is responsible for managing prohibited species catch (PSC) in U.S. commercial groundfish fisheries managed by the Council. The Amendment 80 sector is accountable for the majority of the annual halibut PSC mortality in the BSAI groundfish fisheries. While the Amendment 80 fleet has reduced halibut mortality in recent years, continued decline in the halibut stock requires consideration of additional measures for management of halibut PSC in the Amendment 80 fisheries.

When BSAI halibut abundance declines, PSC in Amendment 80 fisheries can become a larger proportion of total halibut removals in the BSAI, particularly in Area 4CDE, and can reduce the proportion of halibut available for harvest in directed halibut fisheries. The Council intends to establish an abundance-based halibut PSC management program in the BSAI for the Amendment 80 sector that meets the requirements of the Magnuson-Stevens Act, particularly to minimize halibut PSC to the extent practicable under National Standard 9 and to achieve optimum yield in the BSAI groundfish fisheries on a continuing basis under National Standard 1. 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. This action could also promote conservation of the halibut stock and may provide additional opportunities for the directed halibut fishery.

Alternatives:

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 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	1,396 mt	1,483 mt

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 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: 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 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	1,396 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)	1,407 mt (405% below current)

Options for Alternatives 2, 3 and 4:

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: PSC limit varies no more than (suboptions: 10% or 15%) per year.~~

Option 3: Establish an annual limit of (suboptions: 80% or 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 is a hard cap for that 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.~~

3. The AP recommends that the following information be added to the analysis:

- A. The purpose and need statement calls out the possible effects of bycatch specifically on Area 4CDE directed halibut fishery, at low levels of halibut abundance; the analysis should provide specific information regarding those effects.**

B. Regarding the alternatives' possible effects on Area 4CDE, including on Alaska Native peoples living in that area, the analysis should provide information on the ratio between the directed halibut fishery and the bycatch fishery in Area 4CDE under each alternative. This should include the ratio that occurred in the past, as well as the resulting ratio from each alternative.

C. The analysis should quantify the alternatives' possible effects on directed fishery catch limits in downstream areas resulting from the bycatch of U26 fish in the BSAI.

Amendment¹ failed 7-13

Motion passed 13-7

Rationale in Opposition to Amendment 1:

- *Alternative 4 will result in a halibut cap for the A80 sector of 960 mt for the foreseeable future, destroying the sector, which is in direct conflict with National Standard 1's optimum yield mandates.*
- *Reducing halibut usage by the A80 sector under Alternative 4 would have no significant positive impact on the halibut spawning stock biomass and possibly only minor indirect benefits to halibut stakeholders (there is not a clear conservation benefit from this alternative).*
- *The A80 sector doesn't have any new tools available beyond shutting down vessels in order to accommodate a massive halibut PSC cap reduction. In the past, major cuts were accompanied with a cooperative structure and decksorting was pending.*

Rationale in Favor of Amendment 1:

- *This action has been analyzed for six years and it is time to make some tough choices and give direction to the Council on a desired preliminary preferred alternative. While the SSC recommendations may provide some more refinement to the current analysis, they will likely not substantively change results from each of the alternatives nor stakeholder's position on the alternatives.*
- *Selecting Alternative 4 would provide the most meaningful (largest) bycatch reductions and is the only alternative that adequately protects directed users and the resource. Some stakeholders believe that the A80 sector will be able to adapt and figure out a way to operate under lower PSC levels including the option of catching less fish/generating less revenues.*

Rationale in Favor of Main Motion:

- *The AP motion reflects the need to weigh forthcoming SSC recommendations carefully and implement suggestions and corrections, including a hindcast approach to measuring the tradeoffs between alternatives before publication of the draft EIS and selection of a PPA. Many AP members did not feel ready to select a PPA at this time and wanted to see the SSC recommendations incorporated into the draft EIS.*
- *The majority of the AP continues to support advancing abundance-based management for halibut bycatch to better align management with the directed halibut fishery and most other groundfish fisheries in the North Pacific. As halibut abundance has declined, PSC in*

Amendment 80 fisheries has become a larger proportion of the halibut removals, particularly in 4CDE, where the directed fisheries' historical share of total removals has been eroded. Changes in management are necessary to reduce the risk of the directed fishery from being preempted during times of low abundance and allow all user groups to share in the burden of conservation more equitably.

- *Of particular concern is the significant reduction in unique halibut vessels operating in the BSAI that was highlighted in the SIA; there has been a 62% decline since 2010, caused in part by static PSC caps and declining TCEYs over this period. ABM management that leads to bycatch reductions could provide benefits to the directed fishery and potentially help temper further declines in vessel participation, as well as potentially allow idled halibut vessels and communities to re-engage in the fishery. A significant amount of public comment was submitted supporting bycatch reductions, abundance-based management, and meaningful action that will benefit all halibut stakeholders and communities from across the range of the halibut stock.*
- *Option 2 under this motion has been eliminated, because while it could provide some interannual stability for the A80 fleet, its tempered responsiveness adds to instability in the halibut fishery in times of declining abundance and could reduce the effectiveness of this action. Option 1 may be a more appropriate approach to addressing stability.*
- *The performance standard under Option 3 provides incentives for the fleet to 'minimize halibut mortality at all times.' Performance standards are used in other fisheries successfully and could incentive further bycatch reductions while providing a level of flexibility to the fleet if they were to face challenges with meeting the standard.*
- *Option 4 is also eliminated because it could allow the PSC limit to increase as halibut abundance declines, counter to the objective of this action. As the analysis highlights, this option would have allowed between 575,000 pounds and 770,000 pounds of PSC to rollover every year between 2015 and 2020, which is a very significant amount of halibut, that would have negative and direct impacts on directed fishery quotas.*
- *There are three new information requests added to the motion that are necessary to fully understand the impacts to Bering Sea communities and small boat fishers who are historically dependent on the halibut resource. The Purpose and Need Statement specifically references Area 4CDE, however, the analysis does not currently provide information necessary on the specific effects of bycatch on the directed fishery for this area.*
- *Of the three regulatory areas in the BSAI, bycatch mortality in the Amendment 80 fleet is more concentrated in regulatory Area 4CDE, averaging 87% of the total BSAI bycatch over the last three years and has been trending upward over time. The spatially concentrated level of removals has disproportionate impacts that will otherwise be missed if not analyzed at the specific regulatory area level. The analysis needs to flesh these impacts out more fully.*
- *Tables that illustrate the changes in proportions of total removals in area 4CDE (i.e., total bycatch relative to the directed fishery), as well as A80 bycatch removals relative to the directed fishery over time, will help inform decision making by providing important information regarding the historic dependence on the 4CDE directed fishery. These tables should also show the ratios of each under the three action alternatives using a hindcast approach.*
- *Additionally, as noted by the SSC, PSC impacts to commercial and recreational halibut fisheries in downstream areas in the Gulf of Alaska and the Pacific Northwest are lacking in the analysis.*

Since the IPHC management is SPR-based, the removal of U26 fish in the BSAI as bycatch mortality results in reduced TCEYs Coastwide, across all regulatory areas based on the biological distribution in each regulatory area.

- *The AP commends the analysts work on the SIA for addressing the issue of dependency and engagement of various sectors and user groups on the halibut fishery, including communities dependent on A-80 activities and the 17 profiled BSAI halibut dependent communities, most of which are overwhelmingly Alaska Native. Additional provisions in the SIA regarding National Standard 4 – Equity in Allocations, and more specifically inclusion of the NMFS guidelines to National Standard 4 will provide the Council with critical guidance. The improvements overall made to the most recent version of the SIA will be essential for the Council to properly weigh the various national standards, as well as NEPA and environmental justice considerations towards indigenous and minority populations.*
- *The AP further appreciates the analysts' efforts to identify recent Executive Orders by the Biden Administration on Tribal Consultation and Collaboration (EO 13175); Advancing Racial Equity and Support for Underserved Communities through the Federal Government (EO 13985); and Tackling the Climate Crisis at Home and Abroad (EO 14008) which are likely to be important considerations for this action once guidance is developed. The analysts' additional efforts to clearly identify the federally recognized tribal affiliation of each community, as well as their CDQ and ANCSA affiliations, greatly facilitate the federal and tribal government consultation process that will need to take place, as well as the potential scope of the federally recognized rights of the various indigenous populations affected by this action.*

Rationale in Opposition to Main Motion:

- *Removing Option 4 to allow for a minor amount of halibut to stay in the water under limited circumstances (savings in excess of 20% stay in the water), eliminates this savings and the biological benefit that would accrue to the halibut stock. Removing Option 4 results in a set of Alternatives that are entirely allocative without any conservation purpose or benefit.*
- *As clarified by staff analysts, the three new information requests are either currently included, addressed to the greatest extent practicable, or are unable to be addressed definitively. Introducing ratios that show the “bycatch fishery” relative to Area 4CDE are not relevant because this action is only focused on the A80 sector and the inclusion of ratios implies some type of catch share approach, which the Council has rejected. Because the A80 sector is not allowed to retain any of the halibut they encounter, the inclusion of ratio data doesn't make sense as that would suggest the total catch of halibut is allocated amongst users. The A80 sector utilizes the halibut they have access to differently than the directed users by taking 1 mt of halibut to be able to catch approximately 200 mt of groundfish.*
- *The current halibut stock is at a low level of abundance relative to years where the stock was being overfished, which was realized and corrected by the IPHC and resulted in the 53% decline in halibut from one year to the next. As such, given the IPHC's current harvest policy, it is unlikely the halibut stock will return to those abundance levels again and such expectations may not be realistic.*
- *The goal of providing more access to halibut for directed users and residents in BSAI communities would be best addressed through modifications to the IFQ program, especially given that the majority of halibut IFQ is held by stakeholders that don't reside in those communities and the fact that there are a wide variety of reasons for a community/processor*

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to not participate the fishery. Using a halibut PSC cap reduction in an attempt to fund a fishery for BSAI communities will not be sufficient to meet their expectations, but will definitely result in harm to the A80 sector.