

## CENTRAL BERING SEA FISHERMEN'S ASSOCIATION

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May 26, 2015

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Mr. Dan Hull  
Chairman  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Street  
Anchorage, Alaska 99501

Mr. Glenn Merrill  
Assistant Regional Administrator  
National Marine Fisheries Service, Alaska Region  
P.O. Box 21668  
709 West 9<sup>th</sup> Street, Room 420  
Juneau, Alaska 99802

Re: Central Bering Sea Fishermen's Association Comments on the North Pacific Fishery Management Council June 2015 Agenda Item Concerning Halibut PSC Reduction and the Draft Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for a Proposed Amendment to the Fishery Management Plan for Groundfish of the Bering Sea/Aleutian Islands Management Area (May 2015).

Dear Chairman Hull and Mr. Merrill:

The Central Bering Sea Fishermen's Association (CBSFA) appreciates the opportunity to provide the North Pacific Fishery Management Council (Council) with comments on the June 2015 Agenda Item Concerning Halibut PSC Reduction and the Draft Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for a Proposed Amendment to the Fishery Management Plan for Groundfish of the Bering Sea/Aleutian Islands Management Area, dated May 2015 (Draft EA/RIR/IRFA).<sup>1</sup>

<sup>1</sup> Materials cited in these comments have been submitted electronically by disk delivered directly to NOAA's Anchorage Office. CBSFA reserves the right to provide additional comments on the EA/RIR/IRFA when it is finalized.

CBSFA is the management organization for St. Paul Island under the Western Alaska Community Development Quota Program (CDQ). Since the program was created in 1992, the federal government has been awarding various species of fish (CDQ allocations) from the Bering Sea and Aleutian Islands commercial fisheries to CBSFA. In turn, CBSFA manages these allocations to promote social and economic development at St. Paul Island. CBSFA is actively engaged in the Pacific halibut fishery in IPHC Area 4CDE, and is committed to developing a fishery-related economy that enhances the social and economic well-being of our community. As such, CBSFA has a direct interest in ensuring that Pacific halibut stocks are managed to ensure a viable and sustainable fishery that is equitably utilized among user groups.

To help address these concerns, CBSFA and other directed halibut users in the Bering Sea and the Gulf of Alaska formed the Alaska Concerned Halibut Users (ACHU). ACHU is an informal coalition organized in response to the declining status of halibut in the Bering Sea, as well as the need to reduce bycatch in groundfish fisheries.

CBSFA strongly supports Council action to require a reduction of 50 percent in halibut prohibited species catch (PSC) caps in the BSAI groundfish fisheries. Bycatch reduction is first and foremost a resource conservation issue. More than 62 million pounds of halibut were removed as bycatch over the last decade in the Bering Sea/Aleutian Islands (BSAI) alone.<sup>2</sup> Of this, approximately 51.5 percent were removed as juveniles, which never contribute to future fishery yield and which never recruit to the fishery.<sup>3</sup> Quite simply, the sustained removal and killing of millions of pounds of juvenile halibut annually as bycatch—in conjunction with significant removals of larger fish—has crippled the directed fishery. This commonsense connection has been confirmed by scientific research and summarized by the IPHC.<sup>4</sup> It has now become widely recognized by those focused on maintaining

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<sup>2</sup> Williams, G.H. 2015. Incidental catch and mortality of Pacific halibut, 1962-2014. Int. Pac. Halibut Comm. Report of Assessment and Research Activities 2014: 327-328.

<sup>3</sup> Int. Pac. Halibut. Comm. (2005-2014) IPHC Annual Meeting Handouts.

<sup>4</sup> “The IPHC has identified the biological impacts of halibut bycatch to be: 1) reduced yield due to reduced recruitment and increased mortality of adults; 2) out of area or “downstream” impacts where halibut removals in one area reduce recruitment and yield in another area; and 3) reduced spawning biomass and egg production.” Report of the Halibut Bycatch Work Group II September 5, 2014 at 21.

this unique resource that the impact of bycatch is widespread throughout the North Pacific “affect[ing] directed halibut fishermen and dependent communities in the commercial, recreational, and subsistence sectors throughout Alaska, and coastwide through Canada, Washington State, Oregon, and Northern California.”<sup>5</sup> Put another way, every pound of unnecessary bycatch represents waste, a squandering of nature’s bounty and a lost opportunity to restore the resource and sustainably harvest it. In this sense, bycatch caps are distinct from allocations. Bycatch does not directly benefit a fishery or its users, and amounts of bycatch allowed under a regulatory limit are not allocations of the halibut fishery resource. Achieving reductions in bycatch, however, benefits both the halibut resource, and its directed users who have been allocated a catch share or a regulatory harvest right. Thus, for a well-managed resource, it is vital that this unnecessary waste is limited to the maximum extent possible.

Bycatch reduction in the BSAI—especially in Area 4CDE—has become critical to the continued viability of the directed fishery. Over the past decade, bycatch mortality in the BSAI has increased to 60 percent of total removals, while directed fishery landings have declined to just 34 percent of removals.<sup>6</sup> These trends are even more pronounced in Area 4CDE, where directed fishery landings have decreased by 62 percent over the past five years in the face of ever-increasing bycatch mortality.<sup>7</sup> Despite efforts reported at various Council meetings to reduce halibut PSC voluntarily, Amendment 80, BSAI TLAS and other bycatch fisheries actually increased their total bycatch

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<sup>5</sup> Letter from Alaska Longline Fisheries Association, Alaska Marine Conservation Council, Alaska Trollers Association, Aleut Community of St. Paul Tribal Government, Aleutians East Borough, Aleutian Pribilof Island Community Development Corporation, Central Bering Sea Fishermen’s Association, City of St. Paul Island, Alaska Coal Point Seafood Company, Fishing Vessel Owners’ Association, Halibut Association of North America, Homer Charter Association, North Pacific Fisheries Association, Pioneer Alaskan Fisheries, Inc., Tanadgusix Corporation, and United Fishermen’s Marketing Association to Alaska Congressional Delegation dated April 22, 2015.

<sup>6</sup> Stewart, I.J. 2015. Overview of data sources for the Pacific halibut stock assessment and related analyses. Int. Pac. Halibut Comm. Report of Assessment and Research Activities 2014: 107,110; Williams, G.H. 2015. Incidental catch and mortality of Pacific halibut, 1962-2014. Int. Pac. Halibut Comm. Report of Assessment and Research Activities 2014: 327-328; Draft EA/RIR/IRFA, at 74, Table 3-15.

<sup>7</sup> International Pacific Halibut Commission. 2015. Total and Fishery CEY and removals by Areas, 1995-2014, available at [www.iphc.int/meetings/2015am/bb/02\\_06\\_TotalandFisheryCEYandRemovals.pdf](http://www.iphc.int/meetings/2015am/bb/02_06_TotalandFisheryCEYandRemovals.pdf).

mortality in 2014.<sup>8</sup> These bycatch users are estimated to have killed and discarded far more individual halibut than were landed in the directed fishery in all of Alaska. ***This was seven times more individual halibut than the directed fishery landed in the BSAI, based on mean weight.***<sup>9</sup>

These trends must be reversed to: (1) conserve the resource as a whole, (2) preserve a viable directed fishery in Area 4CDE, and (3) in the longer term, conserve directed halibut fisheries coastwide. The 2015 directed fishery limit was set at the minimum level necessary to preserve a maintenance fishery in Area 4CDE. These limits, which were set by the IPHC with the encouragement of NOAA Assistant Administrator for Fisheries, Eileen Sobeck,<sup>10</sup> were expressly predicated on voluntary reductions in halibut PSC by other sectors in 2015 and future action by the Council to reduce halibut PSC. Efforts to voluntarily reduce bycatch in the BSAI did not result in sufficient reductions in 2014, and we cannot know until the end of 2015 whether or not the promised voluntary reductions will be achieved this year, as high-bycatch fisheries have not yet been prosecuted and the performance to date this season is unlikely to be representative of the year.<sup>11</sup> Based on prior experience, however, we do know that the willingness of certain industry members to implement the reasonable measures necessary to meet these objectives is uncertain, at the very best. Decisive action by the Council is now required.

## **I. The St. Paul Island Community Depends on the Directed Halibut Fishery**

St. Paul Island relies on a viable directed halibut fishery. Historically, residents of St. Paul Island, many of whom are Unangan (Aleut), engaged in the commercial fur seal harvest. After the commercial fur seal harvest was phased out in 1983, however, St. Paul's residents turned to halibut for their

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<sup>8</sup> Draft EA/RIR/IRFA at 83, Table 3-17.

<sup>9</sup> Stewart, I.J. Pers. comm. (March 23, 2015); NMFS. 2015. Halibut Mortality Estimate, Jan. 8, 2015, in Draft EA/RIR/IRFA at 74, Table 3-15; Forsberg, J.E. 2015. Age distribution of the commercial halibut catch for 2014. Int. Pac. Halibut Comm. Report of Assessment and Research Activities 2014: 83; Stewart, I.J. 2015. Overview of data sources for the Pacific halibut stock assessment and related analyses. Int. Pac. Halibut Comm. Report of Assessment and Research Activities 2014: 107.

<sup>10</sup> Letter from Eileen Sobeck, NOAA Assistant Administrator for Fisheries, to Dr. Bruce Leaman, IPHC Executive Director (Jan. 20, 2015).

<sup>11</sup> Draft EA/RIR/IRFA at 83.

survival, at the direction of the U.S. Government. They developed a thriving local halibut fishery. This, in turn, drove critical federal, state, local, and private infrastructure investment. Examples of these investments, which continue to this day, include construction of a small boat harbor to provide safe and sufficient moorage for our local fishing vessels and to enhance the community's ability to generate future revenue; the purchase of a tanker to provide for the safe transport of fuel through our community and to ensure regular scheduled delivery service to our fleet during the halibut season; as well as other critical investments in the harbor, port infrastructure, fuel farm, processing plants, and vessels. These investments and development gave St. Paul Island's residents hope for a sustainable future at a critical time.

Today, the halibut fishery is the primary source of employment and income for St. Paul residents. Of the 450 residents of St. Paul Island, as many as 110 participate directly in the CDQ/IFQ halibut fishery in the summer months, and depend on a viable halibut fishery for their livelihoods and survival. This figure—which includes 18 to 20 fishermen/vessel owners who, in turn, hire an average of 5 to 6 crew members and baiters per vessel—represents more than 35 percent of the St. Paul Island's working-age population.<sup>12</sup> No source of employment or economic development is more important to the economic prosperity of the community's residents.<sup>13</sup>

St. Paul Island's reliance on the halibut fishery is not limited to direct employment in the fishery itself. Halibut is also an important and culturally significant subsistence fishery that is key to St. Paul Island's cultural and psychological well-being. Further, numerous other residents of St. Paul are employed in businesses that provide critical support services to the halibut fishery and fleet, including fuel, storage, and catch processing and packaging. Like the fishermen, these individuals are also directly dependent upon a viable and economically sustainable halibut fishery. Finally, the fishermen/vessel owners who are engaged in the directed halibut fishery are the community's only small business owners. They are the source of economic opportunity, as well as the community's political and business leadership. They are the compass of the community.

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<sup>12</sup> State of Alaska. 2015. DCCED, Community and Regional Affairs. Community Database Online.

<sup>13</sup> The snow crab fishery developed later, in the early 1990s. The economic activities surrounding crab processing and deliveries are important to St. Paul Island's economy as a whole through fisheries taxes; leasing and service agreements; and sales of fuel and supplies. However, fewer of St. Paul Island's residents are directly employed in the crab fishery.

St. Paul Island is not unique in this respect. Rather, it is simply one example of the many communities throughout the Bering Sea and Alaska that depend upon the directed halibut fishery today, just as they have for generations. In short, the importance of a viable and sustainable directed halibut fishery to the residents of St. Paul Island and other coastal Alaskan communities cannot be overstated.

Unfortunately, the economic and cultural base of St. Paul Island is in jeopardy yet again. Having transitioned its economy to halibut at the U.S. Government's direction, the same government's failure to place appropriate and necessary limits on halibut PSC now threatens to deny the people of St. Paul Island access to the resource they were encouraged to depend upon. The inequities of this compelled transition to a resource that, to date, the government has failed to protect only highlights the need for swift and decisive action by the Council.

## **II. The Impact of Halibut PSC on Directed Fisheries**

All halibut PSC fisheries have some impact on halibut abundance and yield available to the directed fishery. However, the impacts of the various sectors differ significantly. In 2014, for example, halibut PSC mortality in the Longline CV sector was 9,921 pounds net weight. In contrast, 2014 halibut PSC mortality in the Amendment 80 sector was 3,602,900 pounds net weight, or more than 363 times greater.<sup>14</sup> Halibut PSC mortality in the BSAI TLAS was 1,185,534 pounds net weight for the same year.

Given the dire situation faced by the directed halibut fishery, some level of halibut PSC cap reduction is required across the BSAI fisheries. Much greater reductions may be required, however, in those fisheries with the greatest impacts, as discussed below.

### **A. Halibut PSC in the BSAI Trawl Fisheries Is Unacceptably High and Grossly Disproportionate to Directed Fishery Landings**

Halibut PSC, especially within the Amendment 80 sector and BSAI TLAS, has had a devastating impact on halibut stocks and the Area 4CDE directed fishery. Between 2005 and 2014, the Alaskan groundfish fishery killed and

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<sup>14</sup> Draft EA/RIR/IRFA at 83, Table 3-17 (converted to pounds net weight).

discarded a total of 97.3 million pounds of halibut as bycatch coastwide in Alaska.<sup>15,16</sup> 62.6 million pounds of that bycatch was taken in the BSAI.<sup>17</sup>

Today, bycatch from the BSAI trawl fishery is the single greatest source of halibut mortality. In 2014, trawl bycatch mortality in the BSAI exceeded 5 million pounds net weight.<sup>18</sup> This consisted of approximately 1.052 million predominantly juvenile halibut, weighing an average of just 4.76 pounds per fish.<sup>19</sup> In contrast, the directed fishery in the BSAI landed 3.28 million pounds net weight. This consisted of approximately 149,000 halibut, at an average weight of 22.1 pounds per fish.<sup>20</sup>

By way of comparison, the BSAI trawl fishery alone removed more individual halibut in 2014 than the directed fishery in the entire State of Alaska, and **seven times** more halibut than the directed fishery landed in the BSAI.<sup>21</sup> (Figure 1)

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<sup>15</sup> Williams, G.H. 2015. Incidental catch and mortality of Pacific halibut, 1962-2014. Int. Pac. Halibut Comm. Report of Assessment and Research Activities 2014: 326-328.

<sup>16</sup> NOAA Fisheries. 2015 Halibut Mortality Estimate. January 8, 2015, in Draft EA/RIR/IRFA at 74, Table 3-15.

<sup>17</sup> NOAA Fisheries. 2015 Halibut Mortality Estimate. January 8, 2015, in Draft EA/RIR/IRFA at 74, Table 3-15; Draft EA/RIR/IRFA at 83, Table 3-17.

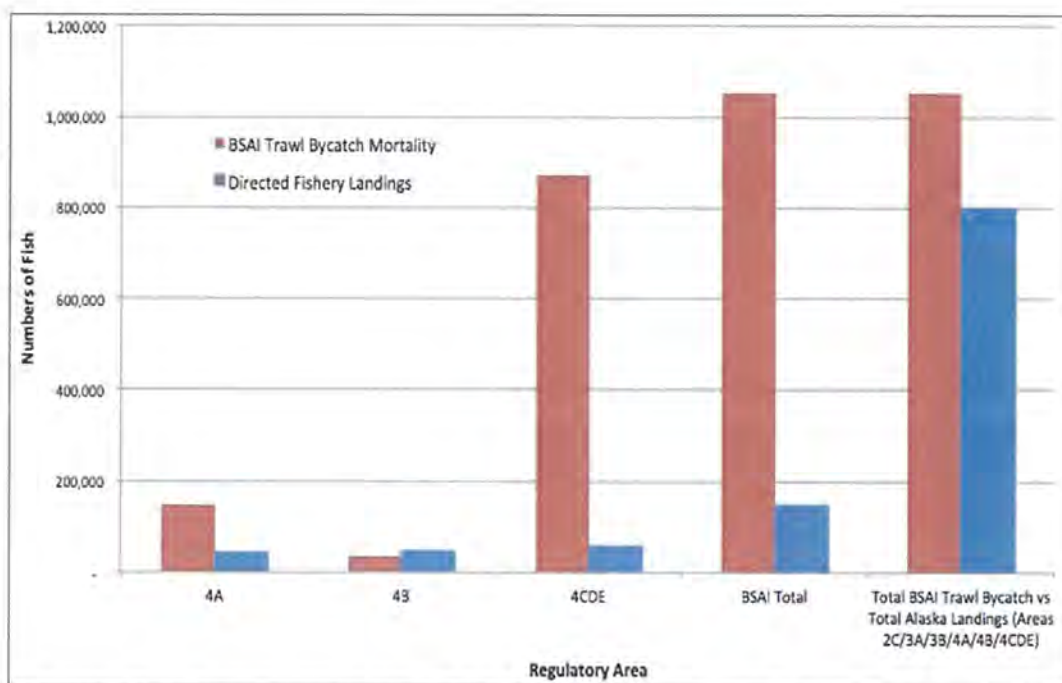
<sup>18</sup> NOAA Fisheries. 2015 Halibut Mortality Estimate. January 8, 2015, in Draft EA/RIR/IRFA at 74, Table 3-15.

<sup>19</sup> Stewart, I.J. Pers. comm. (March 23, 2015).

<sup>20</sup> Forsberg, J.E. 2015. Age distribution of the commercial halibut catch for 2014. Int. Pac. Halibut Comm. Report of Assessment and Research Activities 2014: 83.

<sup>21</sup> Stewart, I.J. Pers. comm. (March 23, 2015); NMFS. 2015. Halibut Mortality Estimate, Jan. 8, 2015, in Draft EA/RIR/IRFA at 74, Table 3-15; Forsberg, J.E. 2015. Age distribution of the commercial halibut catch for 2014. Int. Pac. Halibut Comm. Report of Assessment and Research Activities 2014: 83; Stewart, I.J. 2015. Overview of data sources for the Pacific halibut stock assessment and related analyses. Int. Pac. Halibut Comm. Report of Assessment and Research Activities 2014: 107.



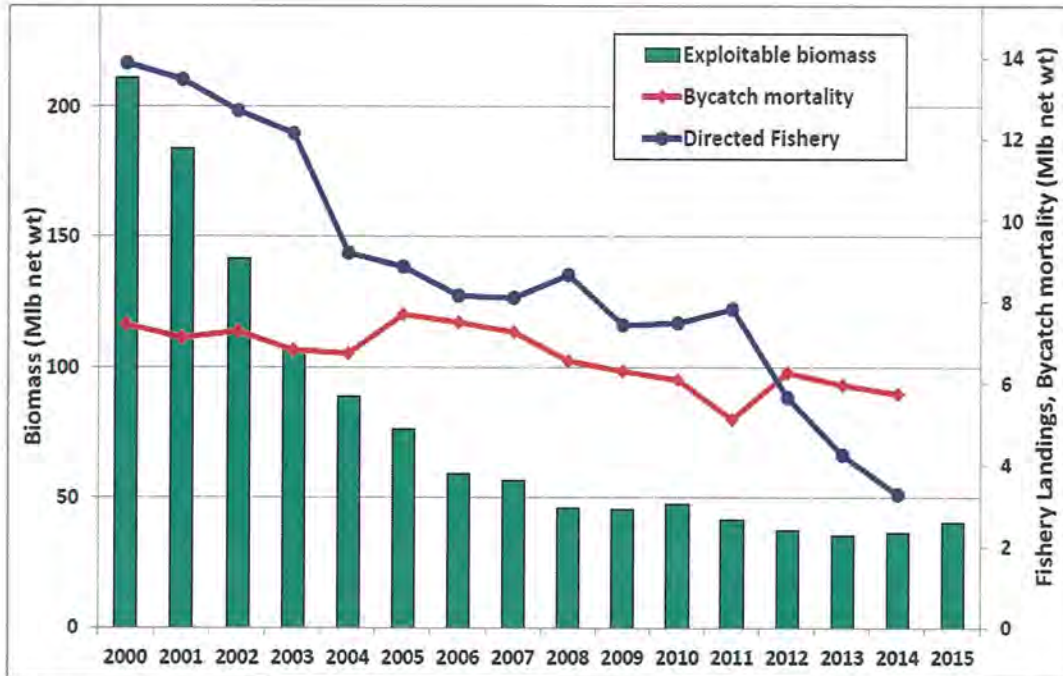


**Figure 1. Comparison of Halibut Fishery Landings and BSAI Trawl Bycatch Mortality, 2014.**

The trends in halibut PSC in the BSAI trawl fishery compared to the directed fishery—and the relative allocation of the resource between those sectors—are equally disturbing. Between 2005 and 2014, directed fishery landings in the BSAI have decreased from 52 percent of total removals to just 34 percent, while bycatch mortality in the BSAI has increased from 44 percent to 60 percent of total removals.<sup>22</sup> (Figure 2)

<sup>22</sup> Stewart, I.J. 2015. Overview of data sources for the Pacific halibut stock assessment and related analyses. Int. Pac. Halibut Comm. Report of Assessment and Research Activities 2014: 107,110; Williams, G.H. 2015. Incidental catch and mortality of Pacific halibut, 1962-2014. Int. Pac. Halibut Comm. Report of Assessment and Research Activities 2014: 327-328; Draft EA/RIR/IRFA, at 74, Table 3-15.





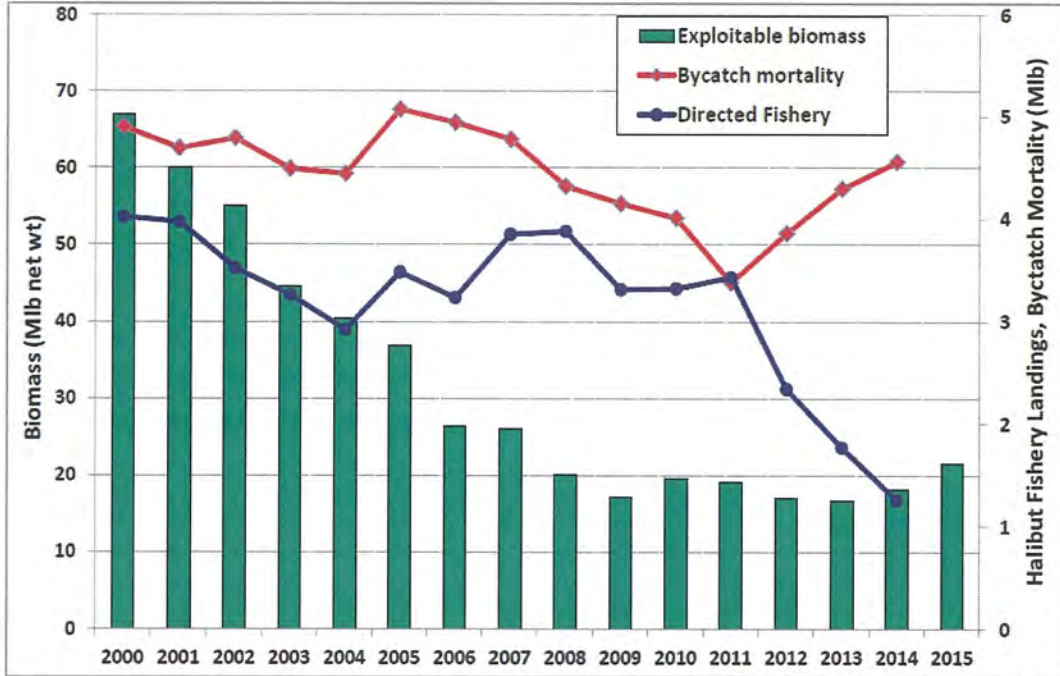
**Figure 2. Halibut Exploitable Biomass, Fishery Landings and Bycatch, BSAI 2000-2015.<sup>23</sup>**

This bycatch disproportionately impacts the directed fishery in Area 4CDE. Between 2010 and 2014, directed fishery landings in Area 4CDE decreased by 62 percent, while bycatch mortality in the groundfish fisheries increased by 14 percent.<sup>24</sup> Most recently, in 2014, the directed fishery accounted for only 21 percent of total removals, compared to 77 percent of removals attributable to bycatch mortality.<sup>25</sup> (Figure 3, Figure 4 )

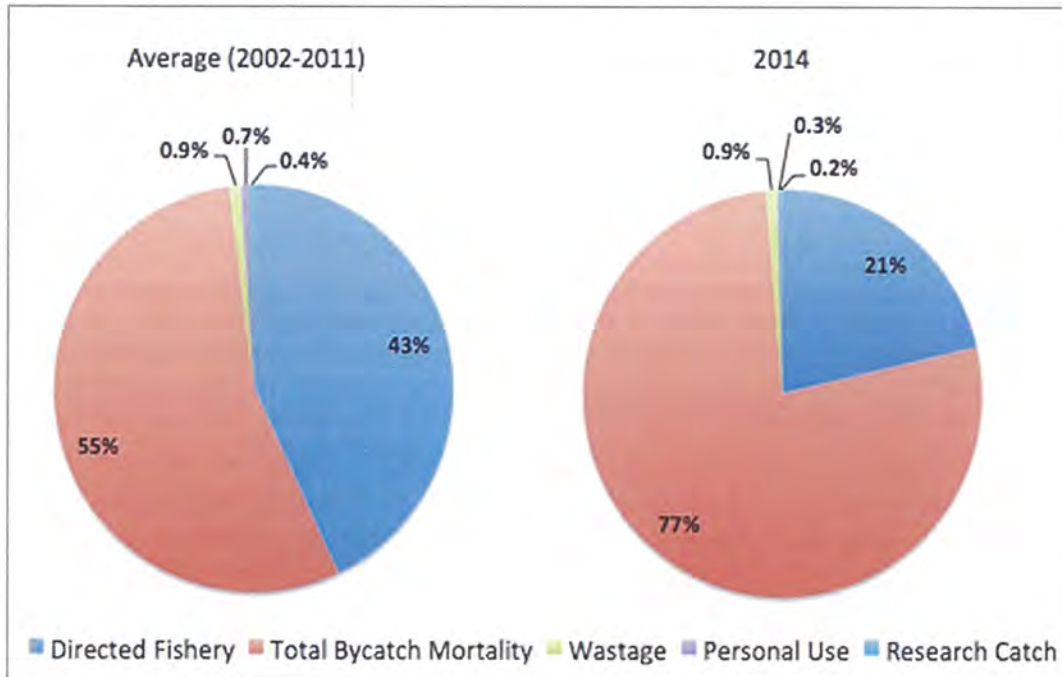
<sup>23</sup> Reproduced from Leaman et al. 2015. Considerations Concerning Bycatch Control and Abundance based Prohibited Species Catch Limits for Pacific Halibut in the Bering Sea/Aleutian Islands. Int. Pac. Halibut Comm.

<sup>24</sup> International Pacific Halibut Commission. 2015. Total and Fishery CEY and removals by Areas, 1995-2014, available at [www.iphc.int/meetings/2015am/bb/02\\_06\\_TotalandFisheryCEYandRemovals.pdf](http://www.iphc.int/meetings/2015am/bb/02_06_TotalandFisheryCEYandRemovals.pdf).

<sup>25</sup> International Pacific Halibut Commission. 2015. 2015 IPHC Annual Meeting Handout: 240.



**Figure 3. Halibut Exploitable Biomass, Fishery Landings, and Bycatch Area 4CDE, 2000-2015.<sup>26</sup>**



**Figure 4. Comparison of Total Halibut Removals in Area 4CDE.<sup>27</sup>**

<sup>26</sup> Reproduced from Leaman et al. 2015. Considerations Concerning Bycatch Control and Abundance based Prohibited Species Catch Limits for Pacific Halibut in the Bering Sea/Aleutian Islands. Int. Pac. Halibut Comm.

Given these trends, the need for swift Council action to preserve a sustainable directed fishery, even if only at a maintenance level, in Area 4CDE is clear and long overdue.

## **B. The 2015 IPHC Harvest Recommendation and the Decision to Preserve a Maintenance Fishery**

The continuing trend of increasing halibut PSC in the BSAI Amendment 80, TLAS and other bycatch fisheries and declining directed fishery landings has been both clear and urgent for many years, but reached a critical point at the IPHC interim meeting in November 2014. At that time, the IPHC estimated that about 70 percent of BSAI halibut—and about 93 percent of the halibut in Area 4CDE—would be taken as PSC in 2015, based on actual bycatch in 2014.<sup>28</sup> And because bycatch mortality must be subtracted from the available biomass,<sup>29</sup> only a small fraction of resource remained available to the BSAI directed fishery.

The directed fisheries in Area 4CDE were the most severely affected. Subtracting 2014 O26 bycatch in Area 4CDE from the TCEY, the IPHC provided harvest advice for 2015 that would have set the Area 4CDE Fishery Constant Exploitation Yield (FCEY) at only 520,000 pounds.<sup>30</sup> This represented a 60-percent reduction from 2014 levels, and an 84-percent reduction from the ten-year average.<sup>31</sup>

As the State of Alaska, CBSFA, and others explained, the projected harvest limit was both inequitable and insufficient to maintain a viable directed fishery in Area 4CDE. In response, the IPHC ultimately agreed to increase its Area 4CDE FCEY to 1,285,000 pounds.

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<sup>27</sup> International Pacific Halibut Commission. 2015. 2015 IPHC Annual Meeting Handout: 240; International Pacific Halibut Commission. 2015. Total and Fishery CEY and removals by Areas, 1995-2014.

<sup>28</sup> International Pacific Halibut Commission. 2015. 2015 IPHC Annual Meeting Handout, Table 4: 161.

<sup>29</sup> The IPHC subtracts removals from other sources from the available Total Constant Exploitation Yield (TCEY) to determine the Fishery Constant Exploitation Yield (FCEY), which is used to calculate a recommendation for each Area's catch limit.

<sup>30</sup> International Pacific Halibut Commission. 2015. 2015 IPHC Annual Meeting Handout: 240.

<sup>31</sup> International Pacific Halibut Commission. 2015. Total and Fishery CEY and removals by Areas, 1995-2014.

The IPHC's decision to revise the FCEY upward for Area 4CDE was based on three key factors:

- First, that the initial recommendation was insufficient to maintain a viable directed fishery, and that a FCEY of 1,285,000 pounds was the minimum necessary to preserve a maintenance fishery at 2014 levels in Area 4CDE pending anticipated future action to reduce halibut PSC.<sup>32</sup>
- Second, that actual halibut PSC would be reduced through voluntary commitments by other sector fisheries, "particularly in Areas 4CDE."<sup>33</sup>
- Third, that the Council and/or NOAA Fisheries would undertake this regulatory action and impose significant reductions in halibut PSC and bycatch mortality.<sup>34</sup>

Nothing has changed with respect to the first factor. Harvest levels established in 2014 and 2015 remain the minimum necessary to preserve the directed halibut fishery. Indeed, even at those levels, the fishery is not self-sustaining, but rather requires that CBSFA subsidize processing costs at the Trident Seafood Saint Paul Processing Plant so that processing facilities will be available to enable the directed halibut fishery in Area 4CDE to continue.<sup>35</sup>

With regard to the second factor, the projected voluntary reductions in halibut PSC mortality were not uniformly achieved. To the contrary, the

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<sup>32</sup> NOAA, Pacific Halibut Fisheries; Catch Sharing Plan, 80 Fed. Reg. 13,771, 13,773 (Mar. 17, 2015) ("The IPHC recommended a catch limit in Areas 4CDE that is higher than that which would result from application of its adopted harvest policy in Areas 4CDE. The IPHC made this catch limit recommendation after considering ... the adverse socioeconomic impact that could result from a catch limit that was lower than that provided in 2014.").

<sup>33</sup> NOAA, Pacific Halibut Fisheries; Catch Sharing Plan, 80 Fed. Reg. 13,771, 13,773 (Mar. 17, 2015) ("The IPHC also considered ongoing efforts by the North Pacific groundfish fleet to reduce the amount of halibut mortality from bycatch, particularly in Areas 4CDE, during 2014 and 2015. The IPHC noted that reduced bycatch mortality in 2015 is likely to provide additional harvest opportunities for the commercial fishery in the future.").

<sup>34</sup> Letter from Eileen Sobeck, NOAA Assistant Administrator for Fisheries, to Dr. Bruce Leaman, IPHC Executive Director (Jan. 20, 2015).

<sup>35</sup> This, of course, benefits not only participants in the CDQ sector represented by CBSFA, but also participants in the IFQ sector in the same Areas.

sectors with by far the greatest impact on halibut abundance—Amendment 80 and BSAI TLAS—actually increased their halibut PSC mortality in 2014 over their five-year average, to almost 4.8 million pounds.<sup>36</sup> This was especially true in Area 4CDE. As the Draft EA/RIR/IRFA explains, the Amendment 80 sector in particular concentrated its fishing efforts in Area 4CDE during the 2014 season. Rather than reducing halibut PSC, this shift in fishing effort substantially increased bycatch mortality in Area 4CDE, which only exacerbated the Amendment 80 sector’s already excessive bycatch rates and their impacts on the directed halibut fishery harvest limit.

CBSFA supports all efforts to reduce halibut PSC through voluntary means, and believes that a great deal more can and should be done to reduce halibut bycatch mortality. Given the history above and the devastating impact of bycatch mortality on directed fisheries, however, only decisive action by the Council to impose mandatory reductions in bycatch will maintain a viable directed halibut fishery in Area 4CDE. As discussed below, this will not only help ensure the continued participation of St. Paul and other local fishing communities in the Area, but also contribute to the overall halibut availability throughout the region through the migration of halibut biomass to other IPHC Areas.

### **III. The Need for Significant Reductions in Halibut PSC Has Been Clear for Decades**

The need to reduce halibut PSC mortality comes as no surprise. Since 1962, when bycatch was first reported, it has been the second largest annual source of biomass removal.<sup>37</sup> The IPHC first established the Bering Sea Closed Area in 1967 to protect a nursery area for juvenile halibut, in response to severe declines in halibut abundance. Regulations to control halibut bycatch in domestic groundfish fisheries were implemented initially as part of the BSAI groundfish FMP in 1982, which reflected some of the time-area closures in effect for foreign trawl operations. Beginning in 1985, annual halibut PSC limits were implemented for the groundfish trawl fisheries, the attainment of which triggered closures to bottom trawl gear.<sup>38</sup>

More direct regulatory attempts to address the impacts of bycatch on halibut abundance began in the late 1980s, when the Council and NMFS initiated

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<sup>36</sup> Draft EA/RIR/IRFA at 83, Table 3-17.

<sup>37</sup> IPHC. Report of the Halibut Bycatch Work Group II (Sept. 2014) at 6.

<sup>38</sup> Stewart, et al. Accounting for and managing all Pacific halibut removals. Int. Pac. Halibut Comm. Report of Assessment and Research Activities 2014: 223-25.

Amendments 12a and 18 to the BSAI and GOA Groundfish FMPs. Since then, the Council has undertaken various amendments to the BSAI and GOA FMPs and other measures in an effort to reduce halibut PSC to levels that are sustainable and that preserve the halibut resource.<sup>39</sup> Unfortunately, as has been clear to anyone observing the declining trends in halibut biomass and the increasing disparity between halibut PSC mortality and available directed fishery yields, these and other voluntary measures have proven ineffective to reduce halibut PSC adequately.

Against this backdrop, the reductions in halibut PSC limits now under consideration by the Council have been reasonably foreseeable to all in the industry. Proactive measures to adapt to these reasonably foreseeable limits could have, and should have, been implemented. In our market economy, those industry participants that took reasonable steps to adapt to foreseeable regulatory change should be rewarded, while complaints from industry participants that did not—and that have instead elected to wait for the Council to impose mandatory limits to compel change within the industry as a whole—should provide no basis to delay long-overdue action, or to adopt half-measures that are inadequate to achieve the Council’s objectives. To do otherwise would not only fail to preserve the directed halibut fishery, but also dilute the economic gains earned by those market participants who have acted responsibly to be good stewards of the Nation’s fishery resources.

#### **IV. Halibut PSC Must Be Reduced By 50 Percent to Maintain a Viable and Sustainable Directed Fishery Consistent with the National Standards**

Congress enacted the Magnuson-Stevens Fishery Conservation and Management Act (MSA or the Act) to create a “national program for the conservation and management of the fishery resources of the United States.”<sup>40</sup> When the provisions of the original act were insufficient to fulfill the conservation purpose of the Act,<sup>41</sup> Congress passed the Sustainable Fisheries Act in 1996 to “put our fisheries back on a sustainable path”<sup>42</sup> by making

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<sup>39</sup> IPHC. Tech. Rpt. No. 57, Report of the 2010 Halibut Bycatch Work Group (2012) at 22-26 (discussing “numerous actions” by the Council and NMFS “to establish bycatch protection areas, encourage bycatch reduction, and improve the selectivity of fishing gear,” including the establishment of PSC limits).

<sup>40</sup> 16 U.S.C. § 1801.

<sup>41</sup> See, e.g., 142 Cong. Rec. H11418, 11439 (Sept. 27, 1996).

<sup>42</sup> 142 Cong. Rec. S10794, 10811 (Sept. 18, 1996).



abundantly clear its objectives for management of the fishery resource of the United States:

- “insure conservation”
- “promote domestic commercial and recreational fishing under sound conservation and management principles”
- “provide for the preparation and implementation, in accordance with national standards, of fishery management plans which will achieve and maintain, on a continuing basis, the optimum yield from each fishery”
- “assure that the national fishery conservation and management program utilizes, and is based upon, the best scientific information available”
- “consider[] the effects of fishing on immature fish and encourage[] development of practical measures that minimize bycatch and avoid unnecessary waste of fish”
- “[be] workable and effective.”<sup>43</sup>

The MSA also directs the Regional Fishery Management Councils to “exercise sound judgment in the stewardship of fishery resources.”<sup>44</sup> The objectives of the Act, particularly after the Sustainable Fisheries Act amendments, prioritize sustainability of the fishery resource over other objectives. Thus, any action by the Council must abide by that priority and cannot be “sound judgment” unless it does so.

To assist the Councils and NOAA in carrying the requirements of the Act, Congress further mandated that all plans and regulations must be consistent with ten national standards,<sup>45</sup> several of which are pertinent to the Halibut PSC issue:

- National Standard 1 - Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.

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<sup>43</sup> 16 U.S.C. § 1801.

<sup>44</sup> Id.

<sup>45</sup> 16 U.S.C. § 1851.

- National Standard 2 - Conservation and management measures shall be based upon the best scientific information available.
- National Standard 4 - Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.
- National Standard 5 - Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.
- National Standard 8 - Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities by utilizing economic and social data that meet the requirements of paragraph (2), in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.
- National Standard 9 - Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.<sup>46</sup>

Compliance with the Act and these National Standards cannot be achieved unless the Council acts to reduce Halibut PSC caps by 50 percent.

**A. Reducing Bycatch in the Groundfish Fishery Would Optimize Yield Across the Fisheries**

National Standard One requires the Council and NOAA Fisheries to establish harvest limits that prevent overfishing while ensuring, on a continuing basis, the optimum yield from each fishery.<sup>47</sup>

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<sup>46</sup> Id.

<sup>47</sup> 16 U.S.C. § 1851(a).

As explained earlier, halibut PSC mortality directly reduces the fishery yield available to the directed fishery. The IPHC has steadily reduced directed halibut catch limits over the last 14 years in response to a declining available halibut resource and the need to conserve total halibut biomass in the face of massive removals by fishery sectors outside the Commission's regulatory jurisdiction.<sup>48</sup> Yet the halibut PSC limits have remained virtually unchanged for 20 years at levels set during a period of high halibut abundance, subject only to minor reductions with the adoption of Amendment 80 and voluntary measures sporadically implemented within the groundfish fisheries.<sup>49</sup> Notably, halibut bycatch is the only major species fishery that is not managed by the Council on the basis of the overall health and abundance of the resource.

This has led to an ever-increasing imbalance between halibut PSC mortality permitted by the caps for the BSAI groundfish fisheries, and the yield available to the directed halibut fishery. Today, the BSAI PSC limit of 4,426 MT (round weight) allows up to 7.32 million pounds of halibut (net weight) to be caught and killed as bycatch.<sup>50</sup> Yet in 2015, directed fisheries in the BSAI are limited to 3.815 million pounds (net weight), or roughly half of the allowable bycatch mortality.<sup>51</sup> These disparities are most pronounced in Area 4CDE, where, as noted above, halibut PSC accounted for 77 percent of all halibut removals.

Only a 50-percent reduction of halibut PSC can rebalance these fisheries and optimize yields among the various fishery sectors. The groundfish fisheries, including Amendment 80 and BSAI TLAS fisheries, can continue to function and remain economically viable at any level presently under consideration. In contrast, halibut PSC reductions of 45 percent are required under current conditions just to preserve a maintenance directed fishery in Area 4CDE, at even the assumedly sufficient and substantially reduced 2014 and 2015 harvest levels. A reduction of 50 percent provides an appropriate buffer

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<sup>48</sup> Leaman, et al. 2015. Considerations Concerning Bycatch Controls and Abundance-based Prohibited Species Catch Limits for Pacific Halibut in the Bering Sea/ Aleutian Islands. Joint NPFMC-IPHC Meeting: 26.

<sup>49</sup> Williams, G.H. Halibut bycatch limits in the 2014 Alaska groundfish fishery. Int. Pac. Halibut Comm. Report of Assessment and Research Activities 2014: 340.

<sup>50</sup> Draft EA/RIR/IRFA at 63 (showing conversion from MT to net weight pounds).

<sup>51</sup> IPHC. 2015. Extended catch table projected for the 2015 Adopted catch limits, available at [www.iphc.int/meetings/2015am/Final\\_Adopted\\_catch\\_limits\\_1\\_30\\_15.pdf](http://www.iphc.int/meetings/2015am/Final_Adopted_catch_limits_1_30_15.pdf).

against lower TCEY in the future, and preserves more juvenile halibut to increase future fishery yields. A decision by the Council not to require these reductions would effectively close the directed fishery in Area 4CDE in favor of continued exploitation in the groundfish fisheries. As such, only reductions of halibut PSC at these higher levels can optimize the yields between the two fisheries as required.

Reducing halibut PSC in the manner described would substantially increase both current and future directed fishery yields in Area 4CDE, the BSAI and the halibut fishery generally. Reducing O26 halibut PSC results in a direct 1:1 increase in directed fishery yields because those fish not removed as PSC are assumed to be available for the directed harvest.<sup>52</sup> Reducing U26 halibut PSC would result in even greater increases to fishery yield due to the lost yield potential from the U26 portion of bycatch.<sup>53</sup> This is because the growth in biomass of U26 fish would outpace natural mortality as they age and enter the exploitable part of the stock. Coastwide, the IPHC Bycatch Workgroup estimates that halibut PSC reductions would result in 1.14 pounds of additional yield per pound of bycatch. For Area 4CDE, this value increases to 1.28 pounds of yield per pound of bycatch due to influence on lost yield of the catch of very small fish in the BSAI trawl fisheries.<sup>54</sup>

Further, these reductions in halibut PSC would augment stocks throughout the fishery. As the Draft EA/RIR/IRFA explains, the best evidence from mark-recapture studies suggests that the BSAI is a net exporter of halibut biomass. These studies show that individuals tagged in the BSAI distribute broadly to the Aleutian Islands, Gulf of Alaska (70 to 90 percent), and Area 2, and could be in virtually any regulatory area by the age of recruitment to the fishery. As such, conservation of halibut biomass in Area 4CDE, especially through measures to reduce excessive juvenile halibut mortality resulting from the Amendment 80 sector and BSAI TLAS, will enhance and conserve the halibut resource throughout the North Pacific.

Finally, it is arbitrary and capricious to allow unsustainable bycatch levels to continue while ratcheting down the directed fishery where it is being forced

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<sup>52</sup> IPHC, Halibut Bycatch Workgroup Report (2014) at 21-22. It should be noted, however, that U32 halibut cannot be retained in the directed fishery.

<sup>53</sup> IPHC, Halibut Bycatch Workgroup Report (2014) at 21-22.

<sup>54</sup> IPHC, Halibut Bycatch Workgroup Report (2014) at 21-22. In this respect, the Council's analysis ignores the best available science and understates the benefits of reducing U26 halibut mortality when it assumes a 1:1 relationship for both O26 and U26 fish. Draft EA/RIR/IRFA at 102.

toward a shutdown. This continued regulatory inaction is inconsistent with MSA, and wrongly deprives halibut quota holders of the value of their allocations of the halibut resource. Thus, through the regulation (or lack of regulation) of other fisheries, participants in the directed halibut fishery are not only deprived of the annual revenues from the decline of available halibut, but also the market value of the quota rights they hold.

**B. Reducing Bycatch Will Help Ensure Continued and Sustained Participation of St. Paul and other Coastal Communities in the Directed Fishery and Minimize Economic Impacts**

National Standard 8 requires the Council and NOAA to establish harvest limits that account for the importance of fishery resources to local fishing communities. It requires that harvest limits provide for the sustained participation of local fishing communities, and that fishery management decisions be tailored to minimize the economic impacts on communities that depend on fishery resources.

When proposing rules for National Standard 8, NOAA succinctly outlined the priorities in addressing economic impacts.

In successive drafts of standard 8, Congress clarified that the importance of fishery resources to fishing communities must be considered within the context of the conservation requirements of the Magnuson-Stevens Act by including in the final standard the phrase “consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks).” Therefore, the proposed guidelines emphasize that national standard 8 must not compromise the conservation goals of the Magnuson-Stevens Act.<sup>55</sup>

In the final rule, NOAA was equally, if not more, pointed.

This standard requires that an FMP take into account the importance of fishery resources to fishing communities. This consideration, however, is *within the context of the conservation requirements* of the Magnuson-Stevens Act. Deliberations regarding the importance of fishery resources

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<sup>55</sup> NOAA, Magnuson-Stevens Act Provisions; National Standard Guidelines, 62 Fed. Reg. 41,907, 41,910-11 (Aug. 4, 1997).

to affected fishing communities, therefore, must not compromise the achievement of conservation requirements and goals of the FMP. Where the preferred alternative negatively affects the sustained participation of fishing communities, the FMP should discuss the rationale for selecting this alternative over another with a lesser impact on fishing communities. All other things being equal, where two alternatives achieve similar conservation goals, the alternative that provides the greater potential for sustained participation of such communities and minimizes the adverse economic impacts on such communities would be the preferred alternative.<sup>56</sup>

The rules are thus clear that only if alternatives are conservation-neutral do economic impacts come into play.

Reducing halibut PSC by 50 percent is squarely consistent with these requirements. As described above, St. Paul Island and other coastal fishing communities are dependent upon the directed halibut fisheries in Area 4CDE. As a consequence of the government's closure of the historical fur seal trade and the community's successful transition to the CDQ/IFQ halibut fishery, the directed halibut fisheries are the primary source of employment on St. Paul Island today. Indeed, as the Draft EA/RIR/IRFA recognizes, St. Paul Island was the community with the highest 2003 to 2013 annual average catcher vessel halibut ex-vessel gross revenues within the Alaskan directed halibut fishery (more than twice that of the next closest community), and the community with the second highest dependence upon revenues from the directed halibut fishery.<sup>57</sup>

However, the Draft EA/RIR/IRFA's analysis actually understates St. Paul's dependence on the directed halibut fishery. For example, the annual ex-vessel revenues do not reflect actual revenues to halibut fishermen. CBSFA's Halibut Cooperative<sup>58</sup> distributes profits from the sale of halibut directly to

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<sup>56</sup> 50 C.F.R. § 600.345(b)(1).

<sup>57</sup> Draft EA/RIR/IRFA at 367.

<sup>58</sup> CBSFA. (2015). 170 Degrees West, CBSFA Halibut Cooperative. <http://www.cbsfa.com/170w.html>. The CBSFA Halibut Cooperative purchases all CDQ halibut caught by the local fishermen, as well as a majority of the locally-owned halibut IFQ. Some locally-owned halibut IFQ and IFQ from vessels hailing from other ports outside of St. Paul may be sold to Trident. As a result some years in the analysis show values higher than recorded by the CBSFA Halibut Cooperative.



the fishermen in the form of a retroactive ex-vessel price adjustment. These price adjustments are not captured in the Council's analysis,<sup>59</sup> which underreports actual ex-vessel gross revenue earned by local fishermen in eight out of the eleven years considered in the analysis, as shown below in Table 1.

<b>Year</b>	<b>Council Analysis</b>	<b>CBSFA Halibut Cooperative</b>
2003	\$783,308	\$1,073,842
2004	\$992,515	\$902,211
2005	\$1,004,799	\$1,946,565
2006	\$1,750,193	\$2,515,236
2007	\$1,983,999	\$3,261,131
2008	\$3,730,680	\$2,967,034
2009	\$1,328,169	\$2,280,608
2010	\$2,983,980	\$4,144,123
2011	\$4,026,026	\$5,510,131
2012	\$2,991,401	\$3,003,049
2013	\$2,121,243	\$2,002,417
<b>Average</b>	<b>\$2,154,210</b>	<b>\$2,691,486</b>

**Table 1. St. Paul Island Halibut Catcher Vessel Ex-vessel Gross Revenues, 2003-2013**

Furthermore, the Council's analysis does not appropriately take into consideration investments by halibut dependent communities throughout Alaska, often with federal, state, and municipal financial support to build the infrastructure—harbors, docks, fuel farms, and other facilities—that has sustained the participation of these communities in the directed halibut fisheries. On St. Paul alone, these investments have exceeded \$100 million, and this is representative of just one community.

Since the phase out of the fur seal harvest in 1983, CBSFA and the community of St. Paul as a whole have relied on the halibut fishery to construct a series of fisheries-related infrastructure projects in order to develop a sustainable, fisheries-based, economy. In recognition of the economic importance of a functioning port amidst the Bering Sea commercial fisheries, St. Paul made the development and subsequent improvements of its harbor a top priority over a thirty-year period.

The first phase of the Saint Paul harbor was completed in 1989, when the main breakwater and a second detached breakwater became operational.

<sup>59</sup> Draft EA/RIR/IRFA, Appendix C, at 30, Table 2-6b.

These initial investments financed with federal and state support were premised initially on the halibut fishery. In addition, the community of St. Paul, through the municipal government, took a \$6.5 million CEIP loan from NOAA's Office of Coastal Management in 1986 to construct a bulk fuel farm. This loan was premised on the development of infrastructure required to support oil and gas exploration and development, and providing marine support services for an anticipated year round fishing industry.

Construction of the second phase of the harbor, known as the Harbor Improvements Project, took place between 1999 and 2005 at a cost of \$52.5 million. While this expansion was premised to a large degree on the needs of the snow crab fleet, it was also of critical importance to the 4CDE CDQ/IFQ halibut fishery.

The final phase of the development of St. Paul's harbor was the construction of a Small Boat Harbor (SBH). The SBH was completed in 2010. This project required a \$20 million local and federal investment, to which CBSFA contributed \$6 million of CDQ revenues and the municipal government \$11.5 million. The SBH's mooring and docking facilities have a capacity for up to 60 vessels.

In tandem with the SBH project, the Economic Development Administration (EDA) approved in September of 2007 an application by the City of St. Paul for funding to dredge the City berth area. The total cost of the project was \$2.85 million for which the City of St. Paul set aside \$850,000 as a local match. Work on the EDA Project concluded in September of 2013 and involved dredging the old Unisea processor site to 18 feet, and upgrading the utilities at the berth site, to allow for the eventual installation of a multi-species processing operation or to provide berthing locations for offloading and other activities critical to St. Paul's efforts to diversify.

With EDA support and in conjunction with the Aleut Community of Saint Paul Tribal Government (Tribe), CBSFA has also been pursuing development of a \$6.5 million project to build a local vessel repair and ship supply facility. CBSFA has committed \$4.7 million to this project, along with \$1.8 million by the Tribe, for a total of \$6.5 million. The bidding phase is taking place at this time and some site work has begun. At the building site, as of this writing, the Tribe is constructing a 60-foot dock at a cost of \$1.5 million to support the facility. The dock project has been funded by the Tribe, the Denali Commission, and \$500,000 from CBSFA. However, its future may be in question given the status of the directed halibut fishery in Area 4CDE.

CBSFA has also invested CDQ revenues to build two new 58-foot vessels, the FV Saint Paul and the FV Saint Peter, which target various fisheries and have served to train local residents in the operations of modern fishing vessels. The “Saint Boats” are used in part to harvest IFQ and CDQ halibut in areas further from shore where smaller vessels may be unsafe to operate.

Finally, the importance of the subsistence halibut fishery is substantially underestimated for St. Paul and other Alaskan communities. This is because reporting participation in the subsistence halibut is voluntary and frequently not captured in annual NMFS surveys.<sup>60</sup> Indeed, the Council’s Analysis recognizes as much, when it states that halibut subsistence data for BSAI communities are very limited and caution should be used in interpreting these data.<sup>61</sup>

These are just two examples, and CBSFA believes that the Council’s analysis likely fails to reflect the actual dependence of other local Alaskan communities as well. However the dependence of St. Paul and other local fishing communities in Alaska is measured, it stands in stark contrast to the Seattle, Washington and Newport, Oregon areas where much of the BSAI groundfish fleet is based. For those communities, which have thriving, broad-based economies that are many orders of magnitude larger, community-dependence on the BSAI groundfish fisheries simply “is not a salient issue.”<sup>62</sup>

As a result of excessive halibut PSC limits in other sectors (especially Amendment 80 and BSAI TLAS) that have remained virtually constant for decades, the directed fishery harvest limits for St. Paul Island and other fishery-dependent communities have dramatically reduced. For 2014 and 2015, directed fishery harvest limits in Area 4CDE were set at the minimum levels required to preserve a maintenance fishery. These levels are economically unsustainable in the longer term, and any further reduction would effectively close the directed fishery in Area 4CDE.

Mandatory reductions of 50 percent in halibut PSC are therefore necessary to conserve the halibut resource, avoid dire economic consequences to St. Paul Island and other local fishing communities, and to ensure their continued participation in the fishery going forward. The low levels of harvest described

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<sup>60</sup> NMFS. (2015). Alaska Subsistence Halibut Program, FAQ. Available at <http://alaskafisheries.noaa.gov/ram/subsistence/faq.htm>.

<sup>61</sup> Draft EA/RIR/IRFA, Appendix C, at 88.

<sup>62</sup> Draft EA/RIR/IRFA at 32.

above were expressly premised on reductions in halibut PSC anticipated under this regulatory action. Should bycatch increases occur instead (even within the current PSC caps), halibut harvest limits may be further reduced in the future from even the minimum level required to preserve a maintenance fishery in Area 4CDE.

Reducing halibut PSC limits will also benefit individuals and local fishing communities far beyond St. Paul Island and Area 4CDE, both in Alaska and coastwide. Both IFQ and CDQ holders harvest halibut in the Bering Sea, while in the rest of Alaska and farther south, the harvesters are IFQ holders. There are currently 2,714 halibut IFQ Holders in the United States, of which 1,965 are Alaskan.<sup>63</sup> At the same time, there are 1,157 vessels in the halibut IFQ and CDQ fleets: 991 vessels are in the halibut IFQ fishery, 238 vessels are in the CDQ halibut fishery, and 36 vessels fish both IFQ and CDQ.<sup>64</sup> The CDQ fleet is based out of 39 Western Alaska villages, while directed halibut fishing vessels made IFQ landings in 32 different community ports in 2014.<sup>65</sup> Each of these communities depends, to varying degrees, on the existence of a viable directed halibut fishery.

Simply put, the continued and sustained participation of St. Paul Island and other local fishing communities depends upon appropriate and significant reductions in the halibut PSC limits. Anything less would fail to meet the sustained-participation requirements of National Standard 8.

### **C. Reducing Bycatch by 50 Percent is Practicable**

National Standard Nine provides that conservation and management measures “shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.” Applicable regulations do not permit Councils to address bycatch in any way other than wholeheartedly.

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<sup>63</sup> NOAA Fisheries. 2015. IFQ Halibut/Sablefish Reports and CDQ Halibut Program Reports, Licenses Issued. Retrieved from <http://alaskafisheries.noaa.gov/ram/daily/ifqqsholder.csv>.

<sup>64</sup> Alaska Fisheries Information Network. 2012. Fishing Fleet Profiles, 2012 Addendum. Retrieved from [http://www.akfin.org/wp-content/uploads/2013/09/Fishery\\_Fleet\\_Profile2012\\_Addendum.pdf](http://www.akfin.org/wp-content/uploads/2013/09/Fishery_Fleet_Profile2012_Addendum.pdf)

<sup>65</sup> NOAA Fisheries. 2015. IFQ Halibut/Sablefish Reports and CDQ Halibut Program Reports. Harvest and Landing Reports, IFQ Harvest by Port of Landing. Retrieved from <http://alaskafisheries.noaa.gov/ram/ifq/14ifqport.pdf>.

The requirement is clearly not discretionary. NMFS disagrees that the guidelines only require the Councils to study the bycatch problem; the Councils must take action to minimize bycatch and bycatch mortality to the extent practicable. ... Inconvenience is not an excuse; bycatch must be avoided as much as practicable, and bycatch mortality must be reduced until further reductions are not practicable. Adherence to the national standards is not discretionary.<sup>66</sup>

In promulgating the rules, NMFS explained further that “the Councils will need to prioritize their actions to address those fisheries where actions to reduce bycatch can have the greatest impact.”<sup>67</sup>

As explained elsewhere, halibut PSC currently accounts for the majority of halibut removals in the BSAI. There are reasonable and practicable means to minimize this bycatch, consistent with the requirements of National Standard Nine.

The Draft EA/RIR/IRFA correctly recognizes that, despite predictions of doom and gloom, previous mandatory PSC reductions in other fisheries and sectors have been achieved without significant disruption of the regulated fisheries. This is not surprising. Mandatory PSC limits are forcing mechanisms that drive innovation in the fishery, and move participants to develop creative means to avoid PSC while continuing to prosecute and profit from their target fishery. These innovations could include, for example, the proliferation and improvement of excluder devices to reduce bycatch levels, and the adoption of changes in fishing behavior that reduce PSC interactions. Indeed, many ideas to reduce halibut PSC were identified, if not fully implemented, in response to the Council’s request for voluntary PSC reductions, which were also later presented to the Commission. Given prior experience, CBSFA

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<sup>66</sup> NOAA, Magnuson-Stevens Act Provisions; National Standard Guidelines, 63 Fed. Reg. 24,212, 24,224 (May 1, 1998).

<sup>67</sup> Id. at 24,227; see also 62 Fed. Reg. 41,907, 41,912 (Aug. 4, 1997) (“Because limited resources are available to the Councils and NMFS to address bycatch problems, and a variety of bycatch problems exists in most fisheries, each Council should identify and prioritize the bycatch problems in its fisheries, based on the benefits to the Nation expected to accrue from addressing these problems.”); id. at 41,911 (“This standard applies to all existing and planned conservation and management measures, because most of these measures can affect amounts of bycatch or bycatch mortality in a fishery, as well as the extent to which further reductions in bycatch are practicable.”) (emphasis added).

anticipates a similar response when mandatory halibut PSC reductions are imposed.

There is ample evidence that meaningful halibut bycatch reductions are achievable, both in the form of prior experience with fishing regulations, and in the academic literature addressing this issue. It should be noted that the ability of regulatory requirements to reduce halibut bycatch has been recognized for 30 years when a 50 percent reduction was mandated for foreign fishery fleets operating in the BSAI in 1982 through 1985.<sup>68</sup>

The Draft EA/RIR/IRFA discusses the issue of bycatch reduction techniques at length in Appendix B (Mitigation of PSC Reduction Impacts). Bycatch can be reduced by lowering any, or all, of the three factors that determine the total number of halibut destroyed, including (1) reducing groundfish fishing effort, (2) reducing encounters with halibut, and (3) reducing the mortality rate for halibut that encounter fishing gear.<sup>69</sup> The total bycatch is determined by the product of these three factors. Thus, the bycatch or halibut PSC (kg) = groundfish (mt) × halibut encounter rate (kg/mt) × discard mortality rate (DMR).<sup>70</sup> Thus, a reduction of a given percentage in any of the three factors will have an equivalent relative impact on halibut PSC.

In estimating the impact of a bycatch reduction, it can be tempting to simply assume that to achieve a given percentage reduction in bycatch there will be a proportional reduction in fishing effort, and therefore harvest. Such an approach is unrealistic, grossly conservative and is belied by historical fishing data and basic economic analysis. Vessel operators will seek to maximize their catch while minimizing bycatch to the extent necessary to meet any bycatch limits. To the extent that the halibut encounter rate can be reduced, the bycatch can also be reduced without necessarily reducing the groundfish harvest.

The analysis conducted in the Draft EA/RIR/IRFA primarily focuses on reducing the halibut that encounter the Amendment 80 trawl fishing gear due to the availability of data and the significant volume of bycatch from this

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<sup>68</sup> Report of the Halibut Bycatch Work Group, IPHC, Technical Report No. 25, 1992, at 4. (“Of special note was the scheduled reduction of halibut bycatch rates specified for the Bering Sea Aleutian Islands area (BSAI) foreign trawl fisheries. This resulted in a 50 percent reduction in bycatch rates between 1982 and 1985.”).

<sup>69</sup> Draft EA/RIR/IRFA, at 28.

<sup>70</sup> Id.



sector. There are several basic techniques that can be used to reduce bycatch. These techniques include, but are not limited to, fishing at times of the year when halibut are less plentiful, fishing for species that are less likely to be co-located with halibut, fishing in areas where there are less halibut, and relocating when hauls indicate high halibut bycatch levels.

Actual Amendment 80 trawl harvest data analyzed in the Draft EA/RIR/IRFA demonstrate that significant reductions in bycatch levels are achievable from all of the identified techniques.<sup>71</sup> For example, bycatch levels are reduced when vessels promptly relocate after encountering high halibut levels.<sup>72</sup> The differences between vessels can be quite striking (a factor of 3.75 in the proportion of high halibut hauls between the best and worst performing vessels).<sup>73</sup> Targeting other flatfish besides Arrowtooth/Kamchatka flounder would reduce the halibut bycatch for the Amendment 80 fleet by approximately 50 percent for that portion of their bycatch resulting from the targeting of Arrowtooth/Kamchatka flounder.<sup>74</sup> Spatial analysis of geographic data confirms that there is significant variation in the halibut levels based on the fishing location with significant potential for bycatch reductions with “with little cost to total groundfish harvest.”<sup>75</sup>

Perhaps the most striking characteristic of the analysis is the much higher bycatch rate that occurs annually near the end of the calendar year. As noted in the Draft EA/RIR/IRFA the bycatch rates show a pronounced and

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<sup>71</sup> Draft EA/RIR/IRFA, Appendix B.

<sup>72</sup> This reduction is noted by both (a) reviewing differing vessel bycatch levels after an initial haul exhibits high bycatch levels (above the 90<sup>th</sup> percentile), (b) and threshold levels triggering reduction actions in the Gulf of Alaska. Draft EA/RIR/IRFA Appendix B at 425-427.

<sup>73</sup> Draft EA/RIR/IRFA Appendix B, Table 4, at 433.

<sup>74</sup> Draft EA/RIR/IRFA Appendix B at 432. (“Simply put, given the high rates of halibut PSC observed in the arrowtooth/Kamchatka flounder fishery, using the same amount of halibut PSC in pursuit of other flatfish targets would net nearly double the amount of groundfish.”).

<sup>75</sup> Draft EA/RIR/IRFA Appendix B at 432. (“The area immediately to the west of St. Paul Island, in Figure 4, is an area with high halibut rates. This area corresponds with the flathead sole target as seen in Figure 6. Unlike arrowtooth/Kamchatka flounder, this area is not the only area known for flathead sole. Avoiding this area would likely result in halibut PSC reduction with little cost to total groundfish harvest as there are other areas immediately to the North where flathead sole can be targeted with a lower risk of high halibut rates.”).

dramatic annual increase in November and December.<sup>76</sup> The one possible reason cited is “that vessel operators will know if they have enough halibut PSC to cover fishing for the remainder of the year and may have less incentive to avoid high halibut PSC rates.”<sup>77</sup> These data indicate that vessel-operating decisions can have dramatic impacts on bycatch, and that there are significant potential bycatch reductions that are not being realized due to the lack of a regulatory structure that encourages such reductions throughout the year. In fact, almost a quarter of the bycatch from the Amendment 80 fleets occurs from October until the end of the year despite the dramatically lower level of fishing activity.<sup>78</sup>

In addition to the direct evidence of significant unrealized bycatch reductions, academic studies have also addressed the potential for bycatch reductions. In an important recent study of halibut bycatch cited in Appendix B of the Draft EA/RIR/IRFA, observer data on the location and catch of each vessel from the North Pacific Groundfish Observer Program (NPGOP) was analyzed.<sup>79</sup> This study concluded:

- When “individual vessels operated under a multispecies catch share system, with individual accountability for their catch of target and bycatch species” there is “dramatic evidence of a shift in overall catch composition away from bycatch species and toward valuable target species, as well as far less variability in the target/bycatch ratio.”<sup>80</sup>
- “[F]ishermen were able to alter their catch composition substantially through their choices of when and where to fish on fine and coarse scales. We find evidence that large-scale shifts in fishing grounds, larger and more immediate reactions to undesired catch compositions, and

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<sup>76</sup> Draft EA/RIR/IRFA Appendix B, at 430, Figure 2.

<sup>77</sup> Draft EA/RIR/IRFA Appendix B, at 429-430.

<sup>78</sup> Draft EA/RIR/IRFA Appendix B, at 429. (“Halibut PSC from November to the end of year accounts for roughly 15% of the Amendment 80 vessels total halibut PSC in the Bering Sea on average during the years analyzed. Halibut PSC from October to end of year accounts for up to 24% of the total halibut PSC in the Bering Sea on average during the years analyzed.”).

<sup>79</sup> Abbott, Joshua K., Alan C. Haynie, and Matthew N. Reimer. “Hidden Flexibility: Institutions, Incentives, and the Margins of Selectivity in Fishing.” *Land Economics* 91, no. 1 (February 2015): 169-195.

<sup>80</sup> *Id.* at 171.

reduced fishing at night have all contributed significantly to the observed changes.”<sup>81</sup>

- “[T]hese margins of change were all available to fishermen before the institutional change and yet were not adopted . . . . [M]anagement systems that provide few incentives for selective fishing may obscure fishermen’s ability to alter their catch composition.”<sup>82</sup>

Additional confirmation of the availability of significant unrealized bycatch reductions is offered in another recently released paper that examined halibut bycatch off British Columbia.<sup>83</sup> The paper examined “the effectiveness of the individual vessel bycatch quota (IVBQ) system as an incentive structure for the mitigation of halibut bycatch in the British Columbia Groundfish fishery.”<sup>84</sup> The study authors based at the University of Alaska found that the bycatch quota system “has proven to be highly effective, confirming the significance of private property rights as a tool for the reduction of bycatch within British Columbia.”<sup>85</sup>

There is one critical conclusion arising from the direct evidence offered by past regulations (example: the early bycatch reduction effort of the 1980s cited above), and the studies of the fishing pattern responses to new regulatory requirements: significant bycatch reduction will not occur until a requirement or economic incentive structure (example: individual bycatch caps) is in place. In the absence of a requirement, vessel operators will optimize their fishing efforts based on the existing constraints that will not include bycatch reduction. With no meaningful bycatch reduction requirements in place for the last 20 years, there has been no incentive for vessel operators to adjust their fishing patterns to reduce bycatch. The wasteful fishing practices that are still exhibited towards the end of each calendar year, when it is clear that there is margin to the existing PSC caps, confirms that a significant and mandatory reduction in bycatch limits is necessary.

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<sup>81</sup> Id.

<sup>82</sup> Id.

<sup>83</sup> Edinger, T and Baek, J. The role of property rights in bycatch reduction: Evidence from the British Columbia Groundfish fishery. *Fisheries Research*, Vol. 168, August 2015, pp. 100–104 (Advance electronic copy accessed at: <http://www.sciencedirect.com/science/article/pii/S0165783615001241>).

<sup>84</sup> Id. at 100.

<sup>85</sup> Id.

It is also important to consider the well-established potential benefits that can be provided by rationalization and cooperative management, both in terms of PSC reductions and increased fishery yields and values. As the Draft EA/RIR/IRFA notes, flatfish harvests were routinely lower than current levels prior to the implementation of Amendment 80 in 2008.<sup>86</sup> Participants have thus benefited substantially from the use of cooperative management to increase yields in their fishery sector. Yet it also appears that this sector has not taken full advantage of that cooperative management to systematically reduce the bycatch of halibut, which has remained flat or even increased since the decline in the first year of implementation in 2008.<sup>87</sup> This problem is even more severe in fisheries that lack a fully cooperative management structure. Indeed, participants in the BSAI TLAS specifically identified the existence of sector vessels that are not part of a cooperative as a key reason halibut PSC reductions were not achieved.<sup>88</sup>

Rationalization and cooperative management provides important “tools” to reduce PSC, and it has been used effectively in other fisheries. For example, in the Gulf of Alaska, the rationalized rockfish program has used cooperative management to successfully reduce salmon and halibut bycatch. Likewise, bycatch in the pollock fishery dropped rapidly with rationalization and cooperative management under the AFA. Rationalization and full cooperative management of other fisheries provides similar opportunities to benefit the halibut resource in the BSAI. Where fishery participants have benefited substantially from rationalization, fairness and equity require that they also bear responsibility to use all of the tools available to them by virtue of rationalization to reduce waste and to mitigate their impacts on other fishery resources.

As the above discussion makes clear, closures are unnecessary and an irrational conclusion in the Draft EA/RIR/IRFA, given the plethora of more reasonable measures. But even if the proposed halibut PSC reductions were to result in the periodic closure of the Amendment 80 or BSAI TLAS fisheries—a point that is far from clear—this does not mean that those reductions are not practicable. Use of the word “practicable” necessarily

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<sup>86</sup> Draft EA/RIR/IRFA at 24.

<sup>87</sup> Draft EA/RIR/IRFA at 149.

<sup>88</sup> Draft EA/RIR/IRFA at 85 (“There are ten catcher vessels in the sector that are not part of an AFA coop, and therefore there is no mechanism to require them to use PSC reduction tools. AFA coop managers are communicating with those vessels to share with them the avoidance measures they are requiring of their own vessels.”).

implies the exercise of agency judgment about the level of acceptable impact resulting from efforts to minimize bycatch and bycatch mortality. Where, as here, bycatch mortality threatens the continued viability of a longstanding and important directed fishery—and the record conclusively establishes that other fisheries can be prosecuted at great profit in most years—it is not impracticable to require other fisheries to cease operations when they fail to achieve regulatory limits.

**D. Failing to Ensure a Viable Directed Fishery in Area 4CDE  
Would Be Inconsistent with National Standard Four**

National Standard Four sets forth three requirements that must be met whenever fishing privileges are allocated: (i) the allocation must be fair and equitable; (ii) it must be reasonably calculated to promote conservation; and (iii) it must not allocate an excessive share of privileges to any particular group.<sup>89</sup>

The BSAI halibut fishery is allocated among various halibut user groups, including the CDQ, IFQ, charter, and subsistence sectors. The CDQ and IFQ halibut harvesters operate under true catch share management programs. In contrast, participants in other BSAI groundfish fisheries, most notably Amendment 80 and BSAI TLAS sectors, have no allocation of the halibut fishery resource.<sup>90</sup> As such, they are not entitled to any halibut per se. Instead, their significant impacts on halibut abundance—and thus the halibut available to the directed fishery—are merely an incident of their allocation in *other* fisheries under the BSAI Groundfish FMP.<sup>91</sup>

That said, the Amendment 80 and BSAI TLAS sectors impact halibut abundance at a grossly disproportionate rate. Over time, bycatch mortality in these sectors has reduced halibut abundance approaching levels that could practically preclude the harvest of any halibut through a directed fishery in Area 4CDE. As the Council allocates fishing privileges among participants in

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<sup>89</sup> C & W Fish Co. v. Fox, Jr., 931 F.2d 1556, 1563 (D.C. Cir. 1991); 16 U.S.C. § 1851(a)(9).

<sup>90</sup> 50 C.F.R. § 600.325(c)(1) (“An ‘allocation’ or ‘assignment’ of fishing privileges is a direct and deliberate distribution of the opportunity to participate in a fishery among identifiable, discrete user groups or individuals.”).

<sup>91</sup> Amendment 80 created a catch share management program that operates through cooperatives. The BSAI TLAS sector, however, is an anachronism in the North Pacific federal management system, as it operates not through catch share programs or cooperatives, but in a “race for fish.”

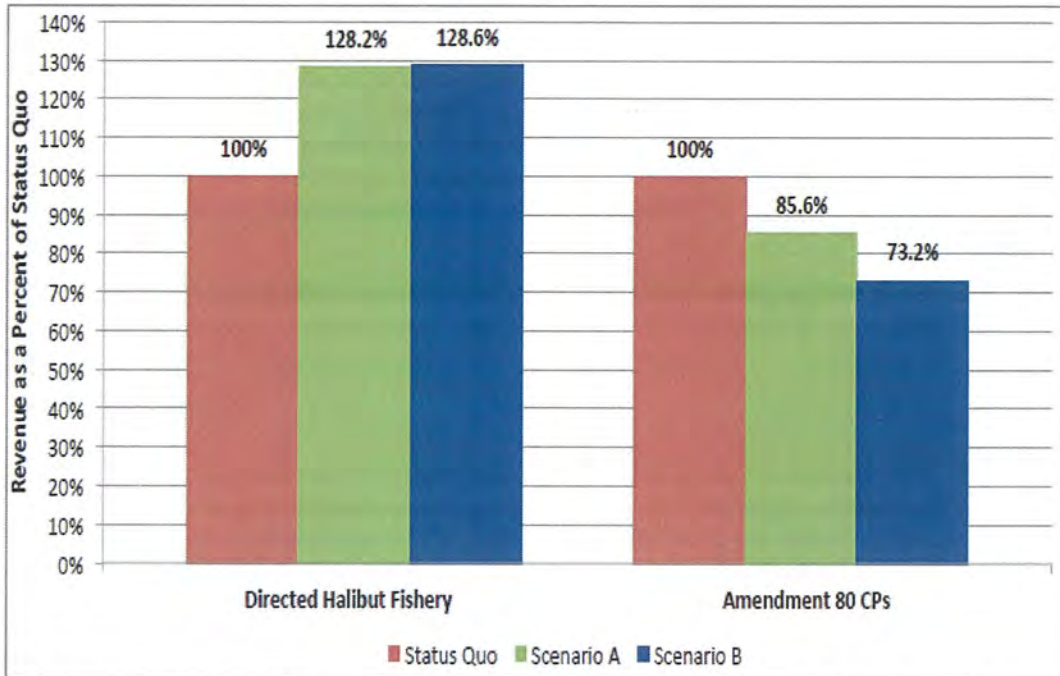
the various BSAI groundfish fisheries, it must take these conservation impacts into account.

The Council's allocation of the BSAI groundfish fisheries (e.g., allocating the cod fishery to the Amendment 80 sector versus the non-trawl sector) have dramatically different impacts on the conservation of halibut resources. When allocating a fishery to one sector or gear type would have an exponentially larger impact as compared to another—and when the allocation to the former could potentially destroy the economic viability of another fishery but an allocation to the latter would not—a decision to allocate resources to the more destructive sector or gear type cannot possibly be reasonably calculated to promote conservation. Nor would it be fair and equitable.

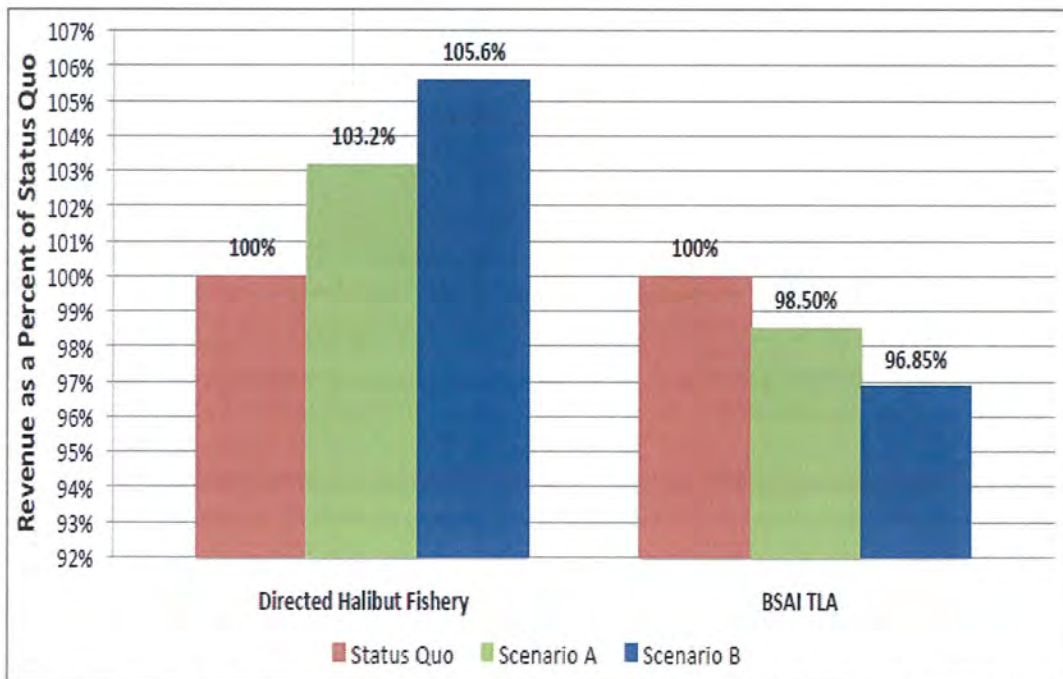
This is especially true when, as here, the Council has the power to impose effective and practicable PSC limits that would mitigate the effect of its allocation decisions. Any action that fails to exercise those powers to address the erosion of the halibut resource caused by its groundfish allocation decisions—and that fails to maintain even the already reduced directed fishing levels in Area 4CDE—would fail each of the requirements of National Standard Four.

**E. A 50-Percent Reduction Achieves Greater Relative Benefits and Removes Incentives for Excessive Investment in Private Sector Fishing Capital**

Maintaining a viable directed fishery respects the efficiency achieved by its participants. The O26/32 halibut mortality in the directed fishery is substantially lower than the BSAI Amendment 80 and TLAS fisheries, and the U26 mortality is minimal. Also, the relative value of halibut is greater to the directed fishery. For both Amendment 80 and TLAS (and in both Scenario A and Scenario B), all PSC reduction options result in gains to the directed fishery that are larger on a percentage basis than the revenues foregone by either sector. (Figure 5, Figure 6) Moreover, only a level of PSC reduction that allows for a directed fishery at a maintenance level (at least) prevents the utter loss of the labor, capital and other investment in the directed fishery.



**Figure 5. Relative Benefits of 50-Percent Reduction in Directed Halibut Fishery Compared to Amendment 80.**



**Figure 6. Relative Benefits of 50-Percent Reduction in Directed Halibut Fishery Compared to BSAI TLAS.**

Reducing the Halibut PSC caps by 50 percent also harnesses efficiency as a tool to create positive incentives for the bycatch fisheries. Indeed, in the MSA

regulations, NOAA cautions that plans “should avoid creating strong incentives for excessive investment in private sector fishing capital and labor.”<sup>92</sup> Failure to adjust the Halibut PSC caps by 50 percent encourages further investments by the Amendment 80 and BSAI TLAS fisheries that are inherently “excessive” because they are uneconomic unless these fisheries are allowed to continue their wasteful bycatch practices.

**F. Assumed Closures of the Amendment 80 and BSAI Trawl Fishery Ignore Less Costly Alternatives and Are Inconsistent with National Standard 2**

National Standard 2 requires the Council to base its fishery management decisions on the “best scientific information available.”

As explained above, the Draft EA/RIR/IRFA improperly assumes that halibut PSC reductions will result in costly fishery closures. It reaches this conclusion by failing to adequately consider well-established and scientifically proven technologies and alternatives that would reduce halibut PSC while allowing other target fisheries to continue. As such, the Council’s analysis substantially overstates these economic and fishery impacts that would result from adopting stringent limits on halibut PSC. The Council’s analysis is accordingly inconsistent with National Standard 2.

**V. NEPA**

**A. The Draft EA/RIR/IRFA Does Not Support PSC Reductions Below 50 Percent**

While the Draft EA/RIR/IRFA undoubtedly justifies a PSC reduction of 50 percent in the BSAI, the same cannot be said for any reduction *below* 50 percent. This is because impacts to the directed fishery from a lesser PSC reduction are vastly understated.

As noted above, Area 4CDE has tolerated tremendous reductions in FCEY the last few years. The average Area 4CDE FCEY from 1998 to 2012 was 3.89 million pounds, yet the 2013 FCEY was less than half of that average (49.6%). At the same time, removals of halibut taken as incidental catch have

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<sup>92</sup> 50 C.F.R. § 600.330(b)(2)(ii).



remained relatively unchanged. The economic impact of this trend in St. Paul is best summed up in Table 2 below:

Year	# Vessels	# People Employed	Local Vessel Landings (lbs)	Income	Ex-vessel Price
2005	14	66	441,398	\$1,946,565	\$4.41
2006	15	75	512,268	\$2,515,236	\$4.91
2007	15	85	562,264	\$3,261,131	\$5.80
2008	16	95	847,724	\$2,967,034	\$3.50
2009	17	100	783,714	\$2,280,608	\$2.91
2010	18	98	863,359	\$4,144,123	\$4.80
2011	20	110	860,958	\$5,510,131	\$6.40
2012	18	100	559,227	\$3,003,049	\$5.37
2013	16	89	446,968	\$2,002,417	\$4.48
2014	16	80	334,826	\$1,965,429	\$5.87
5-yr Average	18	95	613,068	\$3,325,030	\$5.38

**Table 2: Economic Impact to the St. Paul Island Local Halibut Fishery**

As the table illustrates, all the metrics indicative of a healthy fishing economy are trending downward in St. Paul (with the exception of ex-vessel value). Put more succinctly, fewer vessels are employing less people and catching less halibut.

The situation regarding the initial IPHC blue line recommendation for the directed halibut fishery has been well discussed.<sup>93</sup> In substantive terms, in order to achieve the current maintenance FCEY of 1,285,000 pounds in 2016, *a minimum 45 percent reduction in halibut PSC limits would be necessary in the BSAI under current conditions.* The preferred 50-percent reduction to PSC limits, which would more adequately resolve the problems of limited commercial opportunity and elevated bycatch rates, would equate to only a 37 percent reduction from 2014 bycatch numbers (see Table 3). This reduction lies in stark contrast to the Area 4CDE FCEY, which has been reduced 65 percent since 2011.

Clearly, the status quo no action alternative is unsustainable and will impact halibut-dependent communities (such as St. Paul) more heavily than other groups that participate in the directed fishery. St. Paul itself is particularly dependent on gross revenues in the halibut fishery for community stability.<sup>94</sup> By establishing the maintenance fishery level for 2015, the IPHC acknowledged that FCEY allowances below a certain threshold are simply

<sup>93</sup> See Section II.

<sup>94</sup> Draft EA/RIR/IRFA at 367. See also Sections I & IV.D.

unworkable and will have severe economic consequences in the directed fishery, particularly in heavily dependent communities like St. Paul. Based on the minimum PSC reduction required to meet the need for a maintenance level fishery, which itself is only a temporary fix, *it is clear that any reduction of PSC below 50 percent is unjustifiable and should not be considered as a reasonable alternative in light of the purposes of the amendment.*

**B. The Draft EA/RIR/IRFA Provides a Robust Analysis of the 50-Percent PSC Reduction Proposal, Which is Best Suited to Combat the Problems Faced by the Directed Halibut Fishery in Area 4CDE**

As has been stated previously, decades of decline in the exploitable halibut biomass in the BSAI groundfish fisheries, particularly in Area 4CDE, have led to sharp reductions in the number of directed fishery landings in the last several years (as illustrated by Figure 3).

Due to these biomass declines, the halibut directed fisheries have incurred major reductions in harvest limits since 2003. While these catch reductions have been particularly devastating on the small communities like St. Paul that subsist primarily from the directed halibut fishery, the halibut PSC in non-directed fisheries has not declined at a proportional rate (see Figure 4).

In light of the above-stated problems, the proposed PSC reduction amendment has two purposes: to minimize halibut PSC mortality in the commercial groundfish fisheries while also providing additional harvest opportunities to the directed halibut fishery.<sup>95</sup>

**C. Economic & Environmental Impacts**

It is first important to note that the percentage reduction applies to the current PSC *limit*. Since the various groundfish fisheries do not attain their full PSC quota, the *actual reduction* is less than the proposed percentage as demonstrated by Table 3 below:

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<sup>95</sup> Draft EA/RIR/IRFA at 36.

Sector	Current PSC Limit	Average Use (2008-2013)	2014 Use	% Reduction to Sector PSC Limit & Effective PSC Limit							
				10%	20%	30%	35%	40%	45%	50%	60%
<b>Trawl Limited Access</b>	<b>875</b>	<b>709</b>	<b>717</b>	788	<b>700</b>	<b>613</b>	<b>569</b>	<b>525</b>	<b>481</b>	<b>438</b>	-
% Change from 2014 Use	22%			10%	-2%	-15%	-21%	-27%	-33%	-39%	-
% Change from Average Use	23%			11%	-1%	-14%	-20%	-26%	-32%	-38%	-
<b>Amendment 80</b>	<b>2,325</b>	<b>2,037</b>	<b>2,106</b>	<b>2,093</b>	<b>1,860</b>	<b>1,628</b>	<b>1,511</b>	<b>1,395</b>	<b>1,279</b>	<b>1,163</b>	<b>930</b>
% Change from 2014 Use	10%			-1%	-12%	-23%	-28%	-34%	-39%	-45%	-56%
% Change from Average Use	14%			3%	-9%	-20%	-26%	-32%	-37%	-43%	-54%
<b>Longline Pcod CVs</b>	<b>15</b>	<b>3</b>	<b>7</b>	14	12	11	10	9	8	8	-
% Change from 2014 Use	114%			93%	71%	50%	39%	29%	18%	7%	-
% Change from Average Use	463%			406%	350%	294%	266%	238%	209%	181%	-
<b>Longline Pcod CPs</b>	<b>760</b>	<b>515</b>	<b>412</b>	684	608	532	<b>494</b>	<b>456</b>	<b>418</b>	<b>380</b>	-
% Change from 2014 Use	84%			66%	48%	29%	20%	11%	1%	-8%	-
% Change from Average Use	47%			33%	18%	3%	-4%	-12%	-19%	-26%	-
<b>CDQ</b>	<b>393</b>	<b>211</b>	<b>244</b>	354	314	275	255	<b>236</b>	<b>216</b>	<b>197</b>	-
% Change from 2014 Use	61%			45%	29%	13%	5%	-3%	-11%	-19%	-
% Change from Average Use	87%			68%	49%	31%	21%	12%	3%	-7%	-
<b>Other Non-trawl</b>	<b>58</b>	<b>5</b>	<b>1</b>	52	46	41	38	35	32	29	-
% Change from 2014* Use	5700%			5120%	4540%	3960%	3670%	3380%	3090%	2800%	-
% Change from Average Use	1100%			980%	860%	740%	680%	620%	560%	500%	-
<b>Total</b>	<b>4,426</b>	<b>3,479</b>	<b>3,487</b>	3,983	3,541	<b>3,098</b>	<b>2,877</b>	<b>2,656</b>	<b>2,434</b>	<b>2,213</b>	-
% Change from 2014 Use	27%			14%	2%	-11%	-17%	-24%	-30%	-37%	-
% Change from Average Use	23%			14%	2%	-11%	-17%	-24%	-30%	-36%	-

**Table 3: BSAI Halibut PSC Limit Reduction, by Sector, in metric tons (grayed text indicates that the reduced Sector PSC Limit is higher than average use and 2014 use, and would not have been constraining).**

This table highlights the fact that a reduction in PSC would not be quite as dramatic as it appears on its face. Looking at the Amendment 80 sector for example, a 50-percent PSC reduction would, in reality, represent only a 45-percent decrease from the level of PSC actually caught in 2014.

According to the IMS Model, a 50-percent PSC reduction provides the best option for meeting the objectives of the FMP amendment. According to the model, under this option annual halibut harvest volumes in the entirety of Area 4 would increase by up to 42 percent.<sup>96</sup> In Area 4CDE alone, the halibut harvest volumes would increase between 275 percent and 348 percent, or close to one million pounds of fish over and above the current regime.<sup>97</sup> Over the ten-year period, this would result in an increase in value between \$81,000,000 and \$105,000,000.<sup>98</sup> Overall, halibut PSC would be reduced in

<sup>96</sup> Draft EA/RIR/IRFA at 361.

<sup>97</sup> Draft EA/RIR/IRFA at 362.

<sup>98</sup> Draft EA/RIR/IRFA at 364.

Area 4 by up to 2,112,302 pounds in 2016, 36 percent of which are U26<sup>99</sup> individuals which otherwise would not have an opportunity to grow, reproduce, and recruit into the directed fishery.<sup>100</sup>

Environmentally, the impacts of a 50 percent reduction in Halibut PSC limits are minimal. Fishing practices would undoubtedly change amongst those groups affected by the reduction, likely leading to more concentrated effort in acquiring higher-value fish species. For instance, the Draft EA/RIR/IRFA predicts that Amendment 80 groups will target Atka mackerel and rockfish, followed by other species, to obtain the greatest economic benefit from their trips.<sup>101</sup> Additionally, vessels may employ seasonal changes in the timing of their fishing to further avoid halibut encounters.<sup>102</sup> There is historical precedent to suggest that these assumptions are correct.<sup>103</sup> The change in fishing pattern is not expected to result in adverse effects to other groundfish stocks.<sup>104</sup> Furthermore, changes in fishing patterns or increased biomass of halibut are not predicted to adversely affect marine mammals or the larger fishery habitat.<sup>105</sup>

The current Draft EA/RIR/IRFA considers a total of ten alternatives (including options and sub-options) which are designed to address the problem of halibut bycatch in the BSAI. As was illustrated by Figure 4, addressing halibut bycatch is important because it now accounts for the majority of halibut removals, thereby putting pressure on halibut biomass and substantially decreasing the halibut yield available to the directed fishery. Given that several of the National Standards under the Magnuson-Stevens Act are also implicated by the present imbalance in this fishery (as discussed above in Section IV), the alternatives to the current situation analyzed within the 400+ page Draft EA/RIR/IRFA easily pass the test of reasonableness.

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<sup>99</sup> Draft EA/RIR/IRFA at 101.

<sup>100</sup> Draft EA/RIR/IRFA at 228, 364.

<sup>101</sup> Draft EA/RIR/IRFA at 105-06.

<sup>102</sup> Draft EA/RIR/IRFA at 106.

<sup>103</sup> Draft EA/RIR/IRFA at 423. See also NPFMC, Stock Assessment and Fishery Evaluation Report for the Groundfish Resources of the Bering Sea/Aleutian Islands Area: Economic Status of the Groundfish Fisheries off Alaska, 2013, at 348.

<sup>104</sup> Draft EA/RIR/IRFA at 106.

<sup>105</sup> Draft EA/RIR/IRFA at 112, 119.



## VI. Conclusion

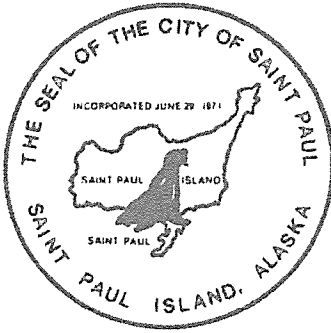
In light of the above points, the CBSFA respectfully requests that the Council adopt a halibut PSC reduction of 50 percent in the BSAI fisheries. This level of reduction satisfies all the statutory requirements of the Magnuson-Stevens Act and NEPA, starts the process of preserving and restoring the halibut fishery, and is the best (and only) alternative that preserves a viable and economically sound directed halibut fishery. Given the rapidly dwindling halibut biomass and the near-collapse of the directed halibut fishery (and the communities that depend on it), addressing these problems now through a 50 percent PSC reductions is not just the most reasonable alternative, it is the only alternative.

Sincerely,



Phillip Lestenkof  
President  
Central Bering Sea Fishermen's Association

cc: Eileen Sobeck, Assistant Administrator for Fisheries  
Samuel D. Rauch III, Deputy Assistant Administrator for Regulatory Programs  
Paul Ryall, Chairman, IPHC



## CITY OF SAINT PAUL

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May 26, 2015

Dan Hull  
Chairman, North Pacific Fishery Management Council  
Anchorage, Alaska

Re: Agenda item C2 – Final Action on BSAI Halibut PSC Limits

Dear Chairman Hull:

The City of Saint Paul, the community that I represent as Mayor, is facing an existential threat due to a dramatic reduction in the halibut available for the directed halibut CDQ/IFQ fishermen in area 4CDE, the management area that includes Saint Paul and other Bering Sea communities whose residents are overwhelmingly Alaska Native. This reduction threatens the livelihood of about 110 fishermen, crew, and their families on Saint Paul. Since these fishermen and their crews are also the community's current and future leaders, the loss of this fishery would have a devastating impact on Saint Paul's political, economic, and cultural survival.

In 2015, had it not been for the commitments made by the North Pacific Fishery Management Council, the National Marine Fisheries Service, and the bycatch users earlier in the year to reduce bycatch, the International Pacific Halibut Commission (IPHC) would not have recommended going above the blue line FCEY of 520,000 pounds for area 4CDE to a caretaker or maintenance FCEY of 1,285,000 pounds. At blue line levels, Saint Paul's directed halibut fishery would have been in effect closed. This would have resulted in unemployment among local fishermen and the vulnerable population of young adults – leading to an increase in various social ills and to the loss of Saint Paul's most entrepreneurial residents through migration.

### I. Saint Paul Investments in Halibut Related Infrastructure:

Another important consideration is the potential loss of investments made by Saint Paul and other communities in pursuit of the directed halibut fisheries. In this regard, while the community section included as Appendix C to the Council's draft Analysis is an improvement over previous drafts, it does not take into consideration investments by halibut-dependent communities throughout Alaska, often with federal, state, and municipal financial support to build the infrastructure – harbors, docks, fuel farms, and other facilities – that has sustained their participation in the directed halibut fisheries.

On Saint Paul alone, these investments have exceeded \$100 million. Since the phase out of the fur seal harvest in 1983, Saint Paul has relied in part on the halibut fishery to construct a series of fisheries-related infrastructure projects necessary to develop a sustainable, fisheries-based economy. Key among these was the development and subsequent improvements of the Saint Paul harbor.

The first phase of the Saint Paul harbor was completed in 1989, when the breakwater and a second detached breakwater become operational. These initial investments financed with federal and state support were premised initially on the potential of the commercial fisheries surrounding Saint Paul. Key among them was halibut. In addition, the City of Saint Paul took a \$6.5 million CEIP loan from NOAA's Office of Coastal Management in the 1986 to construct a bulk fuel farm. This loan was premised on the development of infrastructure required to support oil and gas exploration and development, and providing marine support services for an anticipated year-round fishing industry. Oil and gas exploration and development did not occur, but Saint Paul was able to develop a summer fishery in CDQ/IFQ halibut, and fall and winter fisheries in crab.

Construction of the second phase of the harbor, known as the Harbor Improvements Project, took place between 1999 and 2005 at a cost of \$52.5 million. The City was responsible for the local match to this multimillion-dollar project in which the federal government, through the Corps of Engineers, took the lead. While this expansion was deemed to be in the national interest and premised to a large degree on the needs of the snow crab fleet, it was also of critical importance to the 4CDE CDQ/IFQ halibut fishery.

The final phase of the development of Saint Paul's harbor was the construction of a Small Boat Harbor (SBH). The SBH was completed in 2010. This project required a \$20 million local and federal investment, to which the City was responsible for \$11.5 million and CBFSA, the local CDQ organization, contributed \$6 million of CDQ revenues. The SBH's mooring and docking facilities have a capacity for up to 60 vessels.

In tandem with the SBH project, the Economic Development Administration (EDA) approved in September of 2007 an application by the City of Saint Paul for funding to dredge the City berth area. The total cost of the project was \$2.85 million for which the City of Saint Paul set aside \$850,000 as a local match. Work on the dredging component of the EDA Project concluded in September of 2013. This involved dredging the old Unisea processor site to 18 feet. The upgrade of the utilities (water, sewer, electric) at the berth site just recently concluded. These improvements will allow for the eventual installation of a multi-species processing operation or provide a berthing location for offloading and other activities critical to Saint Paul's efforts to diversify.

These are just a few of the investments made on Saint Paul related to the halibut fishery. Other local entities and outside companies, in particular the Central Bering Sea Fishermen's Association, the CDQ group representing Saint Paul, have participated in the development of this fishery as well.

## II. MSA National Standard 8 and the U.S. National Interest:

The important role played by the public sector and local communities in developing the infrastructure necessary to participate in the halibut fishery brings into play the Magnuson-Stevens Act's National Standard 8. This standard requires that the Council take into account the importance of fishery resources to fishing communities. To ensure the sustained participation of Saint Paul and other Bering Sea communities in the halibut fishery, reductions of halibut PSC of

at least 50% in the BSAI are required. Such a reduction would translate, under current stock surveys, into sufficient halibut poundage for a maintenance fishery in area 4CDE.

It is also important for the Council to take a broader, big picture, view of the situation. The Council must ask itself how will federal, state, and local investments be maintained and paid for without a viable halibut fishery? Looking forward, the Council must also keep in mind that as the Arctic Ocean opens to development and new shipping lanes, it is in the U.S. national interest to preserve existing infrastructure (harbors, airports, medical facilities, weather stations) on Saint Paul and other Bering Sea communities. These communities' ability to remain economically self-sustaining must be protected, as they become strategically important to the U.S. in a future where maritime traffic through the Bering Straits is expected to grow. These communities are also the United States' boundary with Asia. Will this Council abandon these frontline communities at a time when the nation needs them?

To conclude, and consistent with previous submissions, the City of Saint Paul therefore asks:

- 1) the Council to take final action to reduce halibut bycatch caps in the Bering Sea by up to 50%. The sector with the highest rate of bycatch may require the highest percentage of reduction;
- 2) the Council and NMFS to quickly implement measures in the Amendment 80 sector to provide opportunities for deck sorting of halibut, or other handling practices that may reduce mortality of halibut that cannot be avoided; and
- 3) the Council to consider that the preferred, long-term, permanent solution to the halibut bycatch and directed fishery issue may be setting halibut PSC limits based on the abundance of the halibut resource. The goal of this would be to provide for an equitable amount of halibut for each user group, with all uses based on an annual scientific determination of the health and sustainability of the resource itself, consistent with the MSA's National Standards.

Sincerely,



Simeon Swetozof, Jr., Mayor  
On behalf of the City Council



## Groundfish Forum

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25 May 2015

Chairman Dan Hull  
North Pacific Fishery Management Council  
605 W. 4<sup>th</sup> Avenue, Suite 306  
Anchorage, AK 9950

Subj: Agenda Item C-2, Bering Sea / Aleutian Island Halibut PSC Catch Limits

Dear Chairman Hull,

Groundfish Forum (GFF) is a Seattle-based trade association representing five companies that operate 14 trawl catcher processor vessels in the various flatfish, Atka mackerel, rockfish and cod fisheries in the Bering Sea / Aleutian Islands (BSAI) and Gulf of Alaska. The following letter addresses the upcoming final action at the North Pacific Fishery Management Council (NPFMC) for Agenda Item C-2: Bering Sea / Aleutian Island Halibut PSC Catch Limits.

Consistent with our previous testimony on this issue, GFF member companies are alarmed by the proposed options being considered by the NPFMC which could re-allocate up to 50% of halibut prohibited species catch (PSC) from the Amendment 80 Sector to fishermen in the directed halibut longline fishery. GFF has dedicated nearly full-time effort for the past several months carefully researching all aspects of this issue. Our research has included reviewing halibut bycatch reduction measures already put into place by the NPFMC, the biological and fishery management underpinnings to the low exploitable halibut biomass in International Pacific Halibut Commission (IPHC) Area 4CDE; and the legal and regulatory history behind the National Standards being considered in this action. We have also thoroughly reviewed our own catch data and operational practices which are used to reduce bycatch. This significant effort by GFF has led to the following conclusions:

1. Halibut bycatch in the BSAI is at its lowest level since 1985 and since 2003, GFF member companies have made the single largest contribution to halibut bycatch reductions in the BSAI.
2. GFF member companies are currently using all available means to reduce bycatch to the extent practicable. These include tools made available to fishermen under the Amendment 80 program, vessel-specific halibut caps that incentivize avoidance, information sharing to identify hotspots, and making improvements to fishery gear through the development of halibut excluders. Use of these tools has combined to reduce halibut PSC by over 20% since 2003.
3. In our view, this is not a conservation issue. The current low level of available exploitable halibut biomass available to directed halibut fishermen is primarily caused by a combination of unique biological circumstances (small size at age) and

overestimation of exploitable biomass and fishery catch limits by the IPHC in past years. While lowering halibut PSC can provide additional catch to directed halibut fishermen in Area 4CDE by virtue of the modeled 1:1 relationship used by the IPHC, substantial cuts in halibut PSC cannot solve the issue of size-at-age and will significantly harm GFF members whose operations are dependent upon current halibut PSC apportionments to harvest our target species.

4. The revised Environmental Assessment / Regulatory Impact Review (EA / RIR) fails to accurately assess the economic impacts of the action. Specifically, the EA/RIR undervalues losses within the A80 sector as a result of foregone harvest, is silent on likely job loss in the A80 sector, and does not even consider job loss in the maritime support business sector that is heavily reliant upon A80 fisheries.
5. Given the National Standard 1 unqualified directive to attain optimum yield, the qualified directive to minimize bycatch to the extent practicable under National Standard 9 is not intended to close fisheries or prevent fishing, but to require that practicable efforts be exerted to minimize bycatch. GFF member company efforts and historical performance demonstrate that we are currently reducing bycatch to the extent practicable. In these circumstances, any substantial cut in the A80 sector's halibut PSC limit would be inconsistent with the Magnuson-Stevens Act's National Standards.

Public comment letters, articles in the newspapers and online forums clearly demonstrate that the issue to re-allocate halibut PSC has now devolved into a free-for-all, anti-trawl frenzy with numerous fishing and non-fishing groups demanding 50% reductions in halibut PSC and in some cases recommending a total ban on trawling in the Bering Sea.

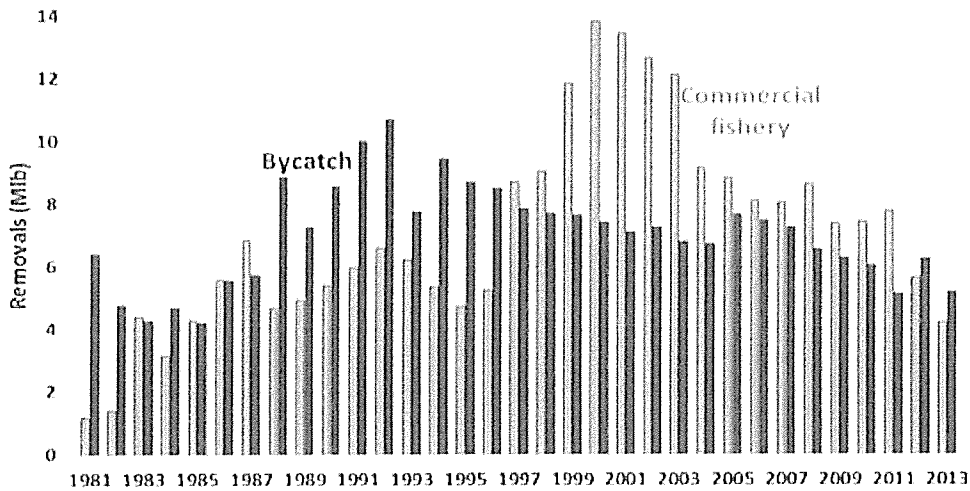
These extreme positions are ripe with misinformation; advocating for alternatives that would be disastrous to Amendment 80 fisheries. In this super-charged environment, it is imperative for the Council to look closely at the facts, review the history of BSAI halibut bycatch, fully understand the dynamics of BSAI halibut biology and IPHC management, consider the potential for extreme harm to the A80 sector (with minimal benefit to the directed halibut fisheries in area 4CDE), and recognize that GFF member companies are currently using all available means to reduce bycatch to the extent practicable.

Thank You for this opportunity to comment.

  
Chris Woodley  
Executive Director, Groundfish Forum

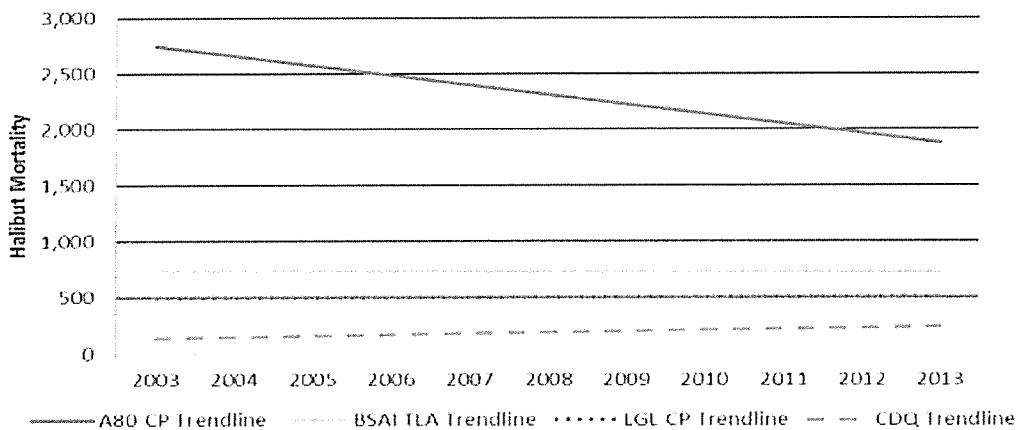
## Recent History on BSAI Halibut PSC Reductions

Halibut bycatch has been steadily declining in the Bering Sea. Since the peak of halibut bycatch mortality in 1992 (10.7 million pounds), 2014 had the lowest removal of halibut PSC (5.7 million pounds) in 23 years. Accusations that there “has been no reduction” to halibut PSC are completely unfounded.



Source: North Pacific Fishery Management Council Revise BSAI Halibut Prohibited Species Catch Limits. May 2015

The Council has reduced AKSC’s halibut bycatch allocation significantly since 2008 with implementation of Amendment 80. In making the initial allocation of halibut to the Amendment 80 sector, as a whole, the Council relied on baseline historical use from 1998 to 2004, which averaged 2,645 mt. The initial allocation at the outset reduced the Amendment 80 allocation to 2,525, which was followed by a staged reduction of 200 mt to arrive at the current limit of 2,325. This equates to an overall reduction of approximately 12%. In other words, the Council has already made a significant reduction in the Amendment 80 sector’s halibut limit.



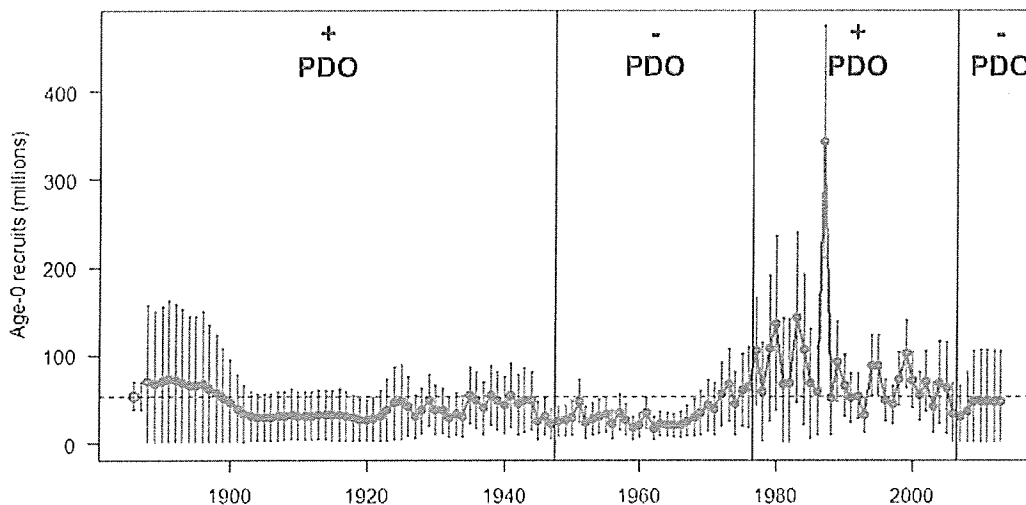
Source: North Pacific Fishery Management Council Revise BSAI Halibut Prohibited Species Catch Limits. May 2015

## Is the Issue with 4CDE Halibut a Conservation Issue?

As is discussed in detail below, the total biomass of halibut in the BSAI is very high compared to recent history. With low recruitment and growth rates, the biomass of legal size halibut (over 32 inches) is disproportionately low compared to the large biomass of sublegal fish. This confusion between TOTAL biomass and EXPLOITABLE biomass is leading to claims that this is a conservation issue when in fact it is an allocation issue. Most recently, Dr. Bob Trumble of MRAG Americas, in response to a request to reconsider MSC certification for flatfish fisheries stated “the team has determined that the BSAI halibut bycatch issue you have mentioned is one of allocation, not conservation.”

*The Problem in the 4CDE Halibut Fishery* - One of the stated purposes of this action is to provide additional harvest opportunities in the directed halibut fishery, especially in Area 4CDE for western Alaska and Pribilof Island communities. In this statement, the Council is responding to the low halibut catch limits in area 4, especially subarea 4CDE. However, the primary driver for the low catch limits is not halibut bycatch but changes to the IPHC model to correct a retrospective bias that consistently predicted a higher exploitable and spawning biomass than was actually observed. This change alone dropped the 4CDE harvest limit by 30% between 2011 and 2012.

*4CDE Biomass and Harvest* - An exceptionally large recruitment event in 1987 (described as ‘once in a lifetime’ by IPHC biologists) led to an increase in total and exploitable biomass in areas 4CDE (and elsewhere) in subsequent years.

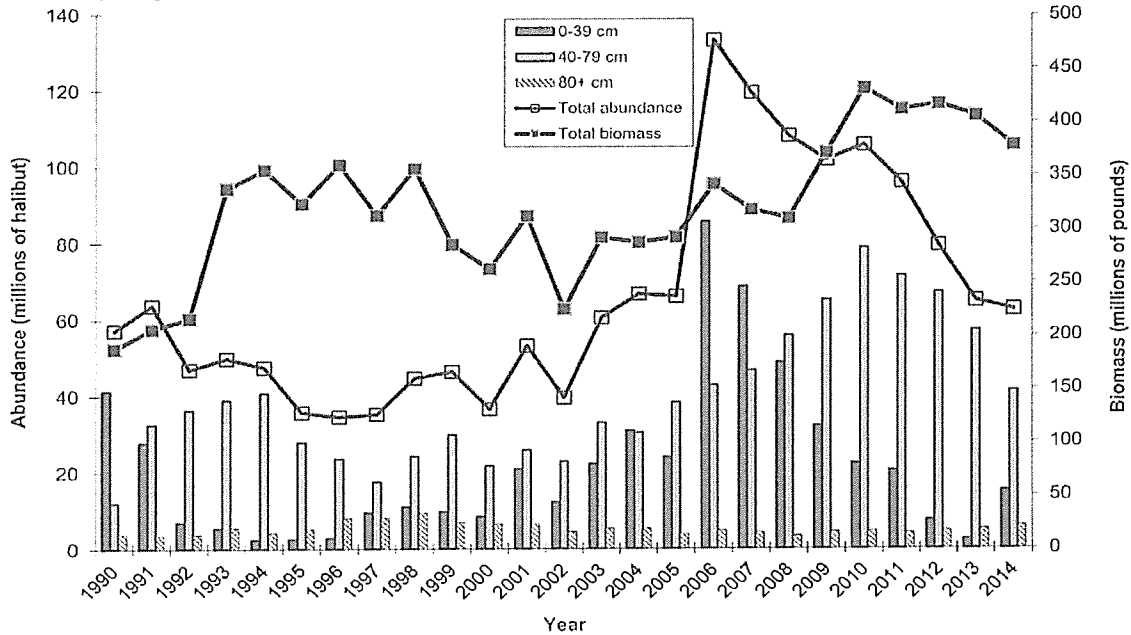


Source: (2013 IPHC RARA page 20, figure 5)

In this chart, trend recruitment strengths (by birth year) estimated by the long time-series model. Dashed horizontal line indicates the average level in the absence of fishing and under poor recruitment conditions. Vertical lines indicate the Pacific Decadal Oscillation (PDO) regimes estimated from environmental data. Note that estimates after 2008 are highly uncertain, as they are not yet informed by any direct observations.

Combined with prior overharvest (see analysis Table 3-1, 13 consecutive years from 2001 – 2013 below F40 and 10 of those years below F35), the decline of the massive 1987 year class, and continued slow growth, it resulted in low harvest limits from 2012 forward. It is important to note again that the problem is with *exploitable* biomass, not *total* biomass – which is at a very high level due to the prevalence of juvenile halibut, as is clearly seen in the chart below. Table 3-6 from the EA:

Halibut by length class (numbers of fish & net pounds of biomass), estimated NMFS EBS Survey, 1990-2014



Source: North Pacific Fishery Management Council Revise BSAI Halibut Prohibited Species Catch Limits. May 2015

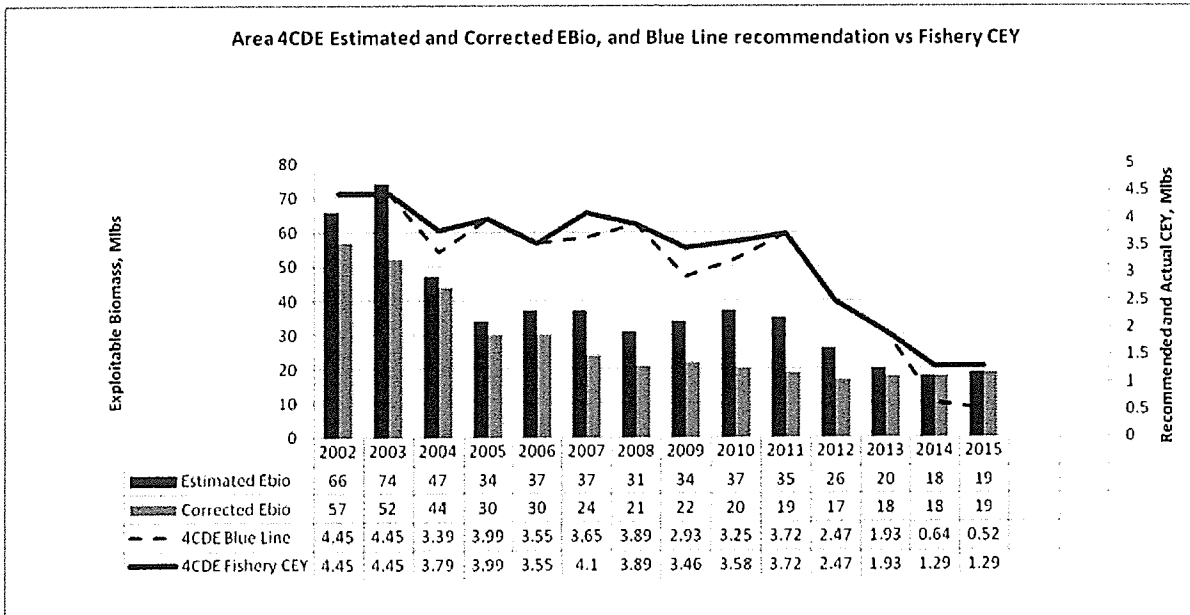
Area 4CDE has, for the most part, had very stable halibut FCEY's (1997-2011) until the past three years in spite of the growth and decline of this exceptionally large year class. When coastwide commercial landings reached the peak of 74.66 million pounds in 2002, the 4CDE FCEY was 3.52 million pounds. A decade later coastwide exploitable biomass estimate was nearly 67% lower, with overall commercial landings down to 39.51 million pounds, yet the area 4CDE FCEY was still at 3.43 million pounds. Commercial and survey catch rates were also dramatically declining as the 1987 year class moved through the fishery and subsequent recruitment was below average. Even when the catch rates (WPUE) were dropping, the area 4CDE FCEY remained high. Area 4CDE halibut fishermen benefited substantially in the decade that harvest rates were above target based on the IPHC's own retrospective analysis.

It was only after the model corrections in 2011 that the FCEY for area 4CDE began to be reduced commensurate with the declining biomass estimates. The FCEY dropped to 2.34 million pounds in 2012, 1.93 Mlbs. in 2013 and 1.29 Mlbs. in 2014.

Directed Fishing Intensity in 4CDE - Area 4CDE catch limits remained disproportionately high, compared with other areas, while the halibut biomass estimates were dropping

precipitously. The recent reductions in 4CDE catch limits (64% since 2011) reflect the lower biomass estimates, which have been reduced by 50% in the same time period.

The complete review of the model input data, model equations, and general approaches used to assess the halibut stock in 2012 indicated the retrospective bias was primarily due to an overestimation of incoming recruitment. The approach the IPHC used to correct the retrospective bias changed the assessment model and resulted in a much more pronounced decline in the estimated stock trend in recent years, as a result of much lower estimates of recent recruitment.



Source: North Pacific Fishery Management Council Revise BSAI Halibut Prohibited Species Catch Limits. May 2015

NOTE that Figure 3-14 on page 71 of the EA / RIR is misleading because the Ebio Estimates shown there are from hindcast model corrections. This gives the impression of very steady biomass, while in fact the RARA estimates from 2010 to 2014 show a very different trend with the biomass dropping by about 50%. Had the table used the actual IPHC bluebook estimates from those years, the drop would have been evident.

*Increase in 4CDE Halibut Bycatch* - An uptick in O26 halibut bycatch in the groundfish fishery in 4CDE during the period 2011-2014 (17.6%) was largely the result of increased Steller sea lion restrictions imposed in the Western Aleutian Islands Pacific cod and Atka mackerel fisheries under the 2010 Biological Opinion, which forced a fleet with a formerly diverse catch portfolio into a greater reliance on flatfish which also shifted fishing effort into area 4CDE. The increase in bycatch contributed to the reduced directed fisheries in area 4CDE, but not nearly as much as the 50% reduction in the estimate of exploitable biomass for the area. In 2015, Steller Sealion protection measures were relaxed and effort should re-distribute to Aleutian Islands fisheries.

*Effects of Halibut Bycatch Mortality on Halibut Biomass* - The Council's analysis correctly points out that halibut bycatch mortality in the groundfish fisheries is not a resource conservation issue but about allocating between competing users: those that need some amount of it to prosecute their groundfish fisheries and those that use the resource in directed fishing.

One way to consider the potential for bycatch in the groundfish fishery to affect the resource and its users is to look at how bycatch mortality compares to the total halibut biomass. Conceptually, if bycatch is a small proportion of halibut biomass in the Bering Sea then bycatch is unlikely to affect the biomass. While some of the information to look at this is mentioned in the analysis, it is largely overlooked. The IPHC's 2013 Report of Assessment and Resource Activities (RARA) shows area-swept estimates from the NMFS annual trawl survey to estimate Bering Sea halibut biomass. The trawl survey is the underpinning of all flatfish stock assessments, and estimates of abundance of undersized halibut are surely just as valid as those for arrowtooth flounder and similar flatfish species. Adult halibut may be able to out-swim the survey trawl, so total biomass is likely underestimated.

For bycatch mortality in this calculation we used the total of mortality from all groundfish gears listed on the NMFS Alaska Region website. In 2014, bycatch mortality was approximately 2% of Bering Sea halibut biomass, without taking into account the additional biomass in the Aleutian Islands. The trend in Bering Sea halibut biomass from 2002 to 2014 reported in the RARA shows significant increase over the time period. At the same time, the total mortality of halibut from bycatch in the BS/AI groundfish fisheries has decreased since 2002 when it was approximately 4% of biomass.

The fact that groundfish fishermen have actually been able to *reduce* usage of halibut while biomass was increasing, suggests that they have been effective in their efforts to minimize their bycatch. Some or all of the low-hanging fruit in terms of bycatch reduction may have already been achieved and further reductions will come at high costs as many tools and techniques use to reduce halibut bycatch are already employed by the A80 fleet.

The IPHC setline survey (RARA 2014) also shows an increasing fraction of undersized halibut, particularly in Area 4CDE where the growth in biomass from the trawl survey tracks the increasing fraction of sub-legal fish taken in the IPHC setline survey. This indicates that bycatch avoidance will be increasingly difficult.

The current draft of the RIR suggests that bycatch reductions will result in significant increases in yields to the directed fishery. From a common sense perspective, one has to question how a 2% effect on biomass could be so influential. If bycatch is focused on a narrow window of halibut year classes it could perhaps still have an effect even if it is a small fraction of biomass; but based on data from the wealth of observer data for the groundfish fisheries in the BS/AI, we know that bycatch is well spread across the different juvenile sizes.

Bycatch Reduction to Increase FCEY - The “one to one” ratio incorporated into the RIR model between bycatch reduction and increase in FCEY in the directed fishery needs to be examined closely. While it is a construct the IPHC started using in setting FCEY in 2014, it is really a modeling convention more than a demonstrable relationship at this point. The IPHC’s premise is that the cumulative effect of natural mortality on the fish taken as bycatch is less than cumulative growth of those fish. But in reality, considerable evidence suggests that sub-legal fish are, for unknown reasons, growing at relatively slow rates compared to 10 years ago. The average weight at age has declined over 35% since 1999. Slow growth exposes many of the halibut associated with the proposed bycatch reduction, whether in the O26 or U26 inch categories, to years of natural mortality and incidental capture and resultant mortality from the directed fishery.

Further, the IPHC’s approach assumes that the fraction of incidental capture of undersized fish by halibut fishermen (“wastage”) is similar to what occurs in their survey. However, actual discard rates in the commercial fishery and potential for high grading are largely unknown due to very low observer coverage and the potential for bias. The NPFMC has used this as a rationale for increasing observer coverage in other fisheries in the past and one would think that it should also apply to directed halibut fisheries where incentives for high-grading are high.

Migration - The EA/RIR analysis incorporates direct estimates of downstream yield and revenue increases to the halibut fishery from the different bycatch reduction alternatives, based on the presumed one-to-one relationship between bycatch and FCEY as well as IPHC tagging studies. The IPHC itself has stated of tagging studies:

“We conclude that a combination of low recovery rates from the most representative releases, unrepresentativeness of releases with higher recovery rates, and the lack of consistent simultaneous tagging programs in the Gulf likely preclude the estimations of reliable, unbiased migration rates from the Bering Sea into the Gulf of Alaska from these data.”<sup>1</sup>

We can assume that conventional tags are more likely to be recaptured in areas of higher fishing effort, which in itself introduces bias in the results.

In our opinion, these predicted RIR benefits downstream for the directed fishery lack the necessary rigor for use in important allocations decisions such as this one for the reasons stated above. Benefits in terms of yields to the halibut fishery from reductions in bycatch are uncertain. The migration information used in the model is not sufficient to make the downstream benefits assumptions for the Bering Sea halibut fishery and other areas. Without a change in the size limit to less than the current 32 inches, savings are clearly subject to wastage as halibut fishermen sort through fish to retain legally retainable fish. For all these reasons, the model’s estimations of downstream benefits clearly need to be strongly caveated and sensitivity testing should be done to evaluate the degree to which

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<sup>1</sup> Webster, Raymond A. 2014. Trawl tag releases of small halibut in the Bering Sea.



these point estimate values for migration would be affected if different assumptions are made about migration.

In spite of statements by the IPHC in the analysis, "At present, it is not possible to correct for the spatial distribution of fishing effort in these data, which may lead to an overestimate of movement to areas (like the Gulf of Alaska) with more fishing activity and therefore a higher rate of tag recoveries", (Webster 2015) the analysis attempts to quantify reductions in halibut PSC mortality for U26 halibut.

Table ES-4 looks at the annual contribution of the reduction in U26 bycatch in the BSAI to IPHC areas outside of Area 4 starting in 2019. The assumption is that the U26 bycatch savings go into the coastwide biomass at a 1:1 ratio and then the savings are apportioned by each areas share of the coastwide biomass. We have previously raised questions about the validity of assuming a pound for pound relationship in total lost yield due to all sizes of bycatch. We believe that this assumption needs to be further reviewed for 26 to 32 inch halibut and especially for U26 inch fish. For this assumption to be correct, the net growth must be greater than natural mortality and not negated by wastage in the directed fishery.

Even with that potential overestimate, Table ES-4 indicates that the maximum benefit the other IPHC areas would get (not including Area 4) would be 261,000 net lbs. at the most extreme range of the PSC Limit cuts of 50%. This would be less than 1% (0.8%) of the 2013 coastwide FCEY (table E-4 is 2013 numbers and FCEY is 31.028). At a 20% reduction in halibut PSC mortality, the other IPHC areas would see a gain of 54,000 net lbs. This would be less than .2% of the 2013 coastwide FCEY.

The results of this calculation does not seem to support public testimony from other areas on the significant benefit they might receive from reductions in BSAI bycatch. Alternatively, the halibut fleet could realize the same "benefit" (261K) from a 50% cut in bycatch as with an 18% reduction in 2013 wastage (1.429 M coastwide).

Lastly, the document states, " it is notable that while the mortality of coastwise U26 halibut PSC mortality occurs in area 4CDE, the proportion of the coastwise biomass in this area has been stable with a slight increase over the past 15 years". This seems to indicate that the impacts of U26 bycatch is not disproportionately impacting the proportion of biomass in area 4CDE.

## Practicability and Economic Impacts

In harvesting approximately 400,000 metric tons of groundfish from the Bering Sea, Aleutian Islands, and Gulf of Alaska, the Amendment 80 sector directly employs approximately 2,000 people on its 18 catcher processors vessels and in its shoreside offices. Included amongst these 2,000 hard-working mariners and fishermen are approximately 150 Coast Guard licensed master, mates and engineers. This concentration of licensed mariners within the fleet is a unique feature of the North Pacific fisheries and is indicative of the complexity of the vessels and operations associated with the Amendment 80 fisheries. Unlike small catcher vessel operations, the Amendment 80 catcher processor fleet is reliant upon an extensive shoreside network of maritime support businesses in both Alaska and the Puget Sound region. These maritime support businesses include longshore and stevedore labor, cargo vessel and tug services, marine pilots, fuel and provision vendors, vessel system and gear technicians, and a wide array of vessel repair and maintenance facilities.

- In Alaska, the Amendment 80 fleet creates 2,900 indirect and induced jobs and results in annual landing taxes of \$3.2 million dollars to the State of Alaska and several fishery dependent communities.<sup>2</sup>
- In Washington State, the A80 Sector creates an additional 1,900 indirect and induced jobs within the maritime support business sector. Significant concentrations of these jobs are in the vessel maintenance and repair sector of Puget Sound.<sup>3</sup>

Given the tightly interwoven and far-reaching network of direct, indirect, and induced employment created by the Amendment 80 sector in both Alaska and Washington State, it is stunning that the NPFMC EA / RIR is silent upon the issue of potential job losses and economic impacts that could occur under the proposed re-allocations of halibut bycatch from the Amendment 80 Sector to directed halibut fishermen.

Despite the document's clear indication that the most likely response by Amendment 80 companies to halibut re-allocation will be to forego catch, the document makes no attempt to quantify direct job loss within the fleet or to quantify job loss within the maritime support sector that support the Amendment 80 sector. On the other hand, there have been scores of letters submitted into public testimony that clearly portend significant economic impacts to maritime support businesses in Washington and Alaska maritime communities should the NPFMC adopt anything other than minimal reductions.

Economic losses and impacts are key factors of what the NPFMC should analyze in determining whether proposed halibut re-allocations are practicable. Congress was quite clear in developing the Magnuson Stevens Act and specifically in regards to National

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<sup>2</sup> (2014) Waters, E., Seung, C., Hartley, M., Dalton, M. Measuring the Multi-Regional Economic Contribution of an Alaska Fishing Fleet with Linkages to International Markets

<sup>3</sup> (2014) Waters, E., Seung, C., Hartley, M., Dalton, M. Measuring the Multi-Regional Economic Contribution of an Alaska Fishing Fleet with Linkages to International Markets

Standard 9, that economic impacts must be given full consideration. Senator Breaux, a member of the Committee with jurisdiction over the MSA, stated during floor consideration of the legislation adding National Standard 9 to the MSA that preventing bycatch had to be done “without destroying the fishermen who are going after a targeted species.” 142 Cong. Rec. S10818 (daily ed. Sept. 18, 1996).

This position was echoed in comments by Congressman Young, Chairman of the Committee of jurisdiction in the House of Representatives, who stated during floor debate:

“Practicable” requires an analysis of the cost of imposing a management action; the Congress does not intend ... to impose costs on fishermen and processors that cannot be reasonably met. 142 Cong. Rec. H11437 (daily ed. Sept. 27, 1996).

Consistent with this legislative and regulatory history, courts have accepted the importance of economic considerations in determining the appropriateness of a bycatch reduction plan. In *National Coalition for Marine Conservation v. Evans*, 231 F.Supp.2d at 137, the court found that NMFS’ balancing of the MSA objectives of “reducing bycatch while minimizing economic costs to the extent practicable” was appropriate.

Given that the NPFMC information for economic impacts is tremendously lacking, especially that information related to direct and indirect job losses in the Amendment 80 Sector, it must proceed in a cautionary manner. Because GFF members are currently using all available means to reduce bycatch to the extent practicable, any substantial cut in the A80 sector’s halibut PSC limit would be inconsistent with the Magnuson – Stevens Act’s National Standards.

## Practicability and Operations

The Alaska Seafood Cooperative (AKSC) letter dated 26 May 2015 on this subject goes into great detail on the issue of practicability within the context of GFF / AKSC member company fishing operations.

The co-op has pursued bycatch reductions through two primary means. First, it expends significant effort to avoid bycatch by using small 'test' tows to determine whether an acceptably low amount of halibut is in an area before truly fishing an area. Co-op members communicate extensively with each other to ensure that members are aware of halibut concentrations. Second, co-op members have also worked over the last twenty years to develop effective excluders that allow halibut to exit the net. All vessels in the cooperative use excluders when halibut are present that are of a size that allow the device to be effective. Many carry a few different excluders to allow for adjustments with changes in fishing conditions.

National Standard 9 also includes a directive to minimize bycatch mortality, to the extent that bycatch cannot be avoided. AKSC and its members have spent more than 10 years working to develop a system for rapidly sorting halibut on deck to rapidly return those fish to the water to decrease mortality. This year, some co-op members are deck sorting under an Exempted Fishing Permit (EFP) to continue development of protocols for deck sorting. Vessels participating in the program full time will be carrying 2 sea samplers in addition to the 2 observers currently carried on all Amendment 80 vessels – effectively increasing observer coverage to 4 persons. The lack of availability of sea samplers limits the ability of vessels to operate under the EFP to date. Despite these efforts, the program remains several years from implementation, as this level of observer coverage is likely to be cost prohibitive and substantial challenges associated with incorporating the decreased mortality rates from deck sorted halibut into the catch accounting system will need to be overcome. These changes and development of an amendment package that relies on the output of both the current EFP and an EFP planned for 2016 will be needed prior to implementing a regulatory change allowing for deck sorting.

*Response to June 2014 Voluntary Reduction Request:* Since the June 2014 request from the NPFMC to voluntarily reduce bycatch by 10%, AKSC vessel activities clearly and directly demonstrate what bycatch reductions might be achievable and practicable, and the cost associated with those reductions. This year's performance and the costs associated with that performance are a reasonable proxy for assessing a practicable halibut bycatch reduction. Through the month of April, the cooperative is on track to meet its Area 4CDE target and has total halibut usage of approximately 467 mt. This compares to average usage of 489 mt during the same time period from 2008-2014. Most importantly, the cooperative's usage is down substantially from the 675 mt used through April last year. Although groundfish catches dropped 7,500 tons from last year, a share of this drop was mitigated by increased catches of Atka mackerel in the Aleutians. A more accurate indicator of the loss of catches is the decrease in flatfish catches, which declined approximately 17 percent from last year and more than 13 percent from the cooperative's average since

2008. This decrease reflects only a loss of revenue and not the costs associated with the decrease.

Additional costs are evident in the increase in fishing effort attributable to halibut avoidance. The use of short, test tows (to determine the amount of halibut in an area prior to truly fishing the area) and excluders (which allow halibut to exit a net along with loss of target catch) both are highly evident in this year's fishing data. Cooperative vessels have taken more than 4,000 tows (over 20 percent more than it averaged in the preceding two years). In addition, the cooperative has taken over 700 tows under 10 mt (more than double the approximately 350 average number of tows under 10 mt in the two preceding years). The costs of this additional fishing (including the lost target catch) are not insubstantial.

*Discussion Related to Appendix B of the EA / RIR:* The most relevant information for assessing the practicability of reductions in halibut bycatch limits is contained in Appendix B. The methodology used in the appendix examines the "reactions" of vessels to high halibut rates on a given tow. Interpreting the results of the appendix, however, requires that one adhere to the caveats outlined by the analyst. Of particular concern are the lack of data on amounts of halibut in any given tow and the lack of precision in sampling. Without knowing the amount of halibut in a tow, one cannot assess whether a tow is a small test tow used to search for areas relatively free of halibut. A vessel searching in this manner could have multiple tows with unacceptably high halibut rates while searching for clean grounds, using very little halibut in these small tows. The existence of these tows is even suggested in the observation that a disproportionately small share of the sector's total groundfish is harvested in highest percentile tows. If these tows were routinely used for catching large quantities of groundfish, the extrapolated amount of halibut in the tows would be extraordinarily high and result in clearly unacceptably high halibut usage overall by the sector.

The effect of sampling should also be considered in interpreting the data in the appendix. NMFS scientists have said that for species that show up in limited numbers in a fishery, samples for an individual tow are likely to produce overestimates and underestimates. Estimates produced by aggregating data across many tows are needed for reliable estimates.<sup>4</sup> Specifically, that analysis states that:

Where management of a fishery includes catch limits on rare non-target species, poor precision of estimation of catch for these species has potentially serious consequences. The strongly asymmetric distribution of estimates, in particular, shows that these groups need to be treated with special caution. If precise estimation of catch of rare species is desired, large sampling fractions are needed to

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<sup>4</sup> M. E. Conners, J. Cahalan, S. Gaichas, W. A. Karp, T. Loomis, and J. Watson, "Sampling for Estimation of Catch Composition in Bering Sea Trawl Fisheries, NOAA Technical Memorandum NMFS-AFSC-199 (2009).

provide estimates on a per-haul basis. Where large sampling fractions cannot be achieved, then combined estimates over a number of hauls are needed to smooth the zero-one effect of whether the species is represented in the sample. A fishery regulated on a haul-specific basis for rare species catch is likely to underestimate the true catch for most hauls but drastically overestimate the total catch for a few hauls. This type of variability can be difficult to incorporate into fisheries management based on small, sometimes vessel-specific quotas.

In the case of halibut in the Amendment 80 fisheries, the extremely high estimated bycatch rates in tows that are in the highest percentiles are evidence of the overestimation arising from the sampling protocol.

In interpreting the data presented in the appendix, these effects should be considered. It is possible that a vessel could have very little halibut in a tow, but have enough collected in the observer sample to categorize what is a relatively clean tow as a high percentile tow. As pointed out by the analyst, in this circumstance, a vessel should not move. The number of tows of this type are not known.

The presentation of vessel level data in the appendix also raises questions. While some vessels are identified as good at reacting to high halibut rates and others as poor at reacting to high halibut rates, these results should be approached with caution. A vessel with opportunities in several fisheries other than the Bering Sea flatfish fisheries (the only fisheries covered by the appendix) may fish only during clean times of the year. In this case an occasional sample may have a number of halibut, but subsequent tows (and samples) can be expected to be relatively clean even with no reaction by the vessel. Vessels that have fewer fishing choices (i.e., fishing during more challenging periods) are likely to have poorer reaction rates regardless of the extent of their efforts. The analysts suggests that these constraints on a vessel will affect the vessel's ability to react.

The appendix suggests that the Arrowtooth/Kamchatka fisheries as likely fisheries to avoid to reduce halibut usage. While halibut usage in those fisheries may be relatively high, some have suggested that failure to harvest those species could have negative downstream effects on other stocks (including halibut) due to interspecific competition. Those fisheries also present another challenge in that they are not allocated, limiting the ability of vessels that rely on the fishery to react without fully sacrificing a fishing opportunity.

Finally, the assumption that effort could be shifted from fisheries with relatively high bycatch rates to ones with lower rates is simplistic and unrealistic. It assumes that additional effort can be added to fisheries like Togiak or Kuskoquim/Nunivak for yellowfin sole. In reality, many of those "clean" fisheries are very time and season-specific. The grounds are often quite limited in terms of tows are productive for target catch rates and low bycatch. When those clean fishing conditions are available, the fleet is actually already fully engaged to take advantage of it. It is unrealistic to assume that with more effort shifted from later in the year those fisheries would achieve the same performance for all vessels in terms of low bycatch or even to assume that fishing weeks after the fisheries occur that target catch conditions would be economically feasible. The linear assumption

that effort could be shifted to other areas/time does not reflect realities of fishing and therefore overstates the opportunities for potential reductions in halibut bycatch under the “perfect knowledge” model.

While one comes away from the appendix with a correct impression that greater efforts could be exerted to reduce bycatch, the dilemma is that the appendix doesn’t provide information for determining what effort would be practicable or the extent of savings that could be realized from that additional effort. Additionally, the appendix aggregates data over several years. While this aggregation is useful for presenting certain aspects of the information, it likely obscures seasonal variability across years, such as the difference between 2013 and 2014 early season halibut performance discussed above.



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Ph: 206-462-7690 • Fax: 206-462-7691 • www.alaskaseafoodcooperative.org

May 26, 2015

Dan Hull  
North Pacific Fishery Management Council, Chairman  
605 W. 4<sup>th</sup>, Suite 306  
Anchorage, AK 99501

Dear Chairman Hull,

The Alaska Seafood Cooperative (AKSC) is a harvesting cooperative consisting of fourteen trawl catcher/processors and five companies. AKSC vessels operate in the Bering Sea and Aleutian Islands (BSAI) under Amendment 80, and are allocated several target and prohibited species catch limits. AKSC is a significant participant in the Bering Sea and Aleutian Islands trawl fisheries and greatly depend on halibut prohibited species catch (PSC) apportionments to harvest our target species.

As explained below, cooperative efforts and historical performance demonstrate that the co-op is currently reducing bycatch to the extent practicable. In these circumstances, any substantial cut in the Amendment 80 sector's halibut PSC limit would be inconsistent with the Magnuson-Stevens Act's National Standards.

**The cooperative is currently using all available means to reduce bycatch to the extent practicable**

Council, IPHC, and cooperative actions in recent years are important to determining what level of bycatch reduction, if any, might be consistent with the National Standard 9 directive to minimize bycatch to the extent practicable. Given the National Standard 1 unqualified directive to attain optimum yield, the qualified directive to minimize bycatch to the extent practicable is not intended to close fisheries or prevent fishing, but to require that practicable efforts be exerted to minimize bycatch. AKSC currently is minimizing bycatch to the extent practicable under current fishery management measures. The cooperative currently uses all available means to reduce bycatch. This year's bycatch co-op performance (shown below) demonstrates that the National Standard directive is being attained.

The co-op has pursued bycatch reductions through two primary means. First, it expends significant effort to avoid bycatch by using small 'test' tows to determine whether an acceptably low amount of halibut is in an area before truly fishing an area. Co-op members communicate extensively with each other to ensure that members are aware of halibut concentrations. Second, co-op members have also worked over the last twenty years to develop effective excluders that



allow halibut to exit the net. All vessels in the cooperative use excluders when halibut are present that are of a size that allows the device to be effective. Many carry a few different excluders to allow for adjustments with changes in fishing conditions.

National Standard 9 also includes a directive to minimize bycatch mortality, to the extent that bycatch cannot be avoided. AKSC and its members have spent more than 10 years working to develop a system for rapidly sorting halibut on deck to rapidly return those fish to the water to decrease mortality. This year, some co-op members are deck sorting under an Exempted Fishing Permit (EFP) to continue development of protocols for deck sorting. Vessels participating in the program full time will be carrying 2 sea samplers in addition to the 2 observers currently carried on all Amendment 80 vessels – effectively increasing observer coverage to 4 persons. The lack of availability of sea samplers limits the ability of vessels to operate under the EFP to date. Despite these efforts, the program remains several years from implementation, as this level of observer coverage is likely to be cost prohibitive and substantial challenges associated with incorporating the decreased mortality rates from deck sorted halibut into the catch accounting system will need to be overcome. These changes and development of an amendment package that relies on the output of both the current EFP and an EFP planned for 2016 will be needed prior to implementing a regulatory change allowing for deck sorting.

#### **A drastic reduction in the Amendment 80 halibut limit is not supported by the record before the Council or the National Standards**

Both NMFS guidelines and the courts require fishery management councils to balance the need to reduce bycatch against other factors, including constraints on fisheries and economic costs associated with those reductions. The guidelines directly express a need to balance the interests of directed users with the interests of bycatch users. Considering all of these interests and fairly balancing them is critical to assessing potential actions here.

The Council has reduced AKSC's halibut bycatch allocation significantly since implementation of Amendment 80 in 2008. In making the initial allocation of halibut to the Amendment 80 sector, as a whole, the Council relied on baseline historical use from 1998 to 2004, which averaged 2,645 mt. The initial allocation at the outset reduced the Amendment 80 allocation to 2,525 mt, which was followed by a staged reduction of 200 mt to arrive at the current limit of 2,325 mt. This equates to an overall reduction of approximately 12 percent. In other words, the Council has already made a significant reduction in the Amendment 80 sector's halibut limit, and the sector has consistently adjusted its operations to meet these staged reductions.

The current proposal to further reduce halibut bycatch limits for the sector does not have a conservation purpose; instead, it is a harvest reallocation proposal, as demonstrated by the history of this most recent action. At its June 2014 meeting, the Council received a request from US IPHC commissioners, to ask that each sector in the industry voluntarily work to reduce halibut PSC usage to 10 percent below its most recent 5-year average usage. AKSC responded by meeting this target in the second half of 2014. As understood by the Council and industry, this 10 percent reduction was intended to mitigate declines in estimated total halibut harvestable surplus and would lead to increased catch limits for the directed halibut fishery. At the December 2014 IPHC Interim Meeting, the IPHC received its staff's estimates which suggested a

substantial decrease in the halibut directed fishery catch limits would be needed because of an increase in bycatch from the 4CDE accounting area.

The contradictory result from achievement of the Council's 10 percent bycatch reduction target and the outcome of the IPHC stock assessment arose from a fundamental disconnect between the two management processes. The Council's management of halibut PSC equally weights all halibut bycatch mortality, while the IPHC stock management includes a direct effect of bycatch mortality of halibut that are over 26 inches in length (O26), but only a long term stock effect arising from bycatch under 26 inches. Changes in the estimated level of O26 halibut bycatch directly affect the amount of harvestable surplus available to the directed halibut fishery. In addition, the IPHC stock estimates divide the Bering Sea and Aleutian Islands into halibut management Areas 4A, 4B, and 4CDE. As a result, even when total O26 halibut bycatch in the Bering Sea and Aleutian Islands is unchanged, the distribution of the bycatch across halibut management areas can result in substantial changes in the harvestable biomass available to the directed fishery in a halibut management area. In developing its estimates of the 2015 harvestable surplus available to the directed fishery, the IPHC had increased estimates of the share of bycatch made up of O26 halibut and halibut in Area 4CDE. The potential reduction in the 4CDE catch limit led the Alaska Department of Fish and Game with the support of six Council members to request emergency action to make a blanket reduction of BSAI-wide halibut PSC limits by 33 percent, the amount of a reduction estimated by the Council to be needed to provide a 1 million net pound fishery in Area 4CDE.

This year's IPHC's process for setting the Area 4CDE catch limit and its outcome are directly relevant to the outcome here. In response to the Council's concern for the potential for a reduction in the 4CDE halibut catch limit, the cooperative presented to the IPHC a halibut usage target in Area 4CDE of 1,101 mt, a reduction of 217 mt from 2014 usage. This reduction amounts to the cooperative's proportional share of the overall reduction needed to provide a 1 million net pound fishery in Area 4CDE for 2015 under the IPHC staff's blue line recommendation. In addition, the cooperative is targeting maximum usage of approximately 326 mt in Areas 4A and 4B combined, which would limit halibut usage in those areas to no more than 2008-2014 average. Combining these two amounts would result in an overall cap of 1,468 mt (with rounding up), which amounts to a reduction of less than 13 percent from the cooperative's current cap of 1,693 mt. By targeting efforts toward Area 4CDE (the area of concern) the cooperative accomplished the same objective as the emergency 33 percent reduction. In essence, the Area 4CDE targeted action of the cooperative mitigated what might otherwise have been a much larger BSAI-wide cut that would have at best created an economic emergency in Amendment 80 sector in an attempt to address a possible emergency (which did not come to pass) in another sector.

The mismatch in management processes is also problematic from a timing standpoint. Halibut catch limit estimates rely on annual summer survey results. Estimates are typically unavailable until the November/December IPHC interim meeting. Those estimates are finalized for the IPHC annual meeting in January of the following year, when catch limits are set for the year. Given the process for setting halibut apportionments, the Council's ability to respond to year to year changes in stocks and bycatch amounts is very limited.

The responsiveness of the cooperative to the circumstance faced by the Council is directly relevant to assessing any cap reduction under the practicability standard. The cooperative managed to accomplish the purpose of the bycatch measure considered by the Council with far less damage to the sector than would have occurred had the action considered by the Council been undertaken. In light of the cooperative's history of working to accommodate Council and IPHC concerns, an equitable balancing of the interests of the participants in the directed halibut fishery and the interests of bycatch users compels the conclusion that a drastic reduction in halibut PSC levels is not justified. Even a moderate cut, when added to the 12 percent reduction included in Amendment 80, would amount to a substantial reduction from historical usage over a very brief period.

The dynamics of fishing under halibut limits also support this conclusion. Halibut PSC allocations generate no direct revenues for the cooperative. Cooperative members only generate revenues from target species allocations. To maximize revenue potential, members need to conserve halibut PSC for use throughout the year. This means that early season fishing efforts must maintain low halibut bycatch to allow for more fishing opportunities and greater choices later in the year. Otherwise, unexpected halibut rates at the end of the year could preclude a vessel from executing its fishing plan. An early end to fishing is likely to not only affect the company's revenue stream, but also reduces crew shares and consequently crew retention as other crew opportunities may be more appealing. The cooperative typically sets aside a reserve of 3 percent at the start of each year to address contingencies. Although this reserve could be used, it is anticipated that it will not be used. Companies in the cooperative are competitors in many respects. In part, as a part of this competition, each company (and typically each vessel) buffers its halibut PSC allocation to ensure that its vessels can fish the entire season. These buffers contribute to the substantial underage for the cooperative, with a considerable amount of a halibut PSC remaining at the end of the year. On average, the cooperative has left approximately 6.5 percent of its halibut allocation unused. These buffers suggest that halibut caps are unlikely to ever define halibut usage by the sector, but that some portion of the cooperative's halibut PSC limit will be left on the table at year's end. The substantial likelihood of this unused share of the halibut cap continuing further suggests that any substantial cut is unwarranted.

This conclusion is bolstered by the cooperative's performance data from this year's fishery, which directly demonstrates what bycatch reductions might be achievable and the costs associated with those reductions. This year's performance and the costs associated with that performance are a reasonable proxy for assessing a practicable halibut bycatch reduction. Through the month of April, the cooperative is on track to meet its Area 4CDE target and has total halibut usage of approximately 467 mt. This compares to average usage of 489 mt during the same time period from 2008-2014. Most importantly, the cooperative's usage is down substantially from the 675 mt used through April last year. Although groundfish catches dropped 7,500 tons from last year, a share of this drop was mitigated by increased catches of Atka mackerel in the Aleutians. A more accurate indicator of the loss of catches is the decrease in flatfish catches, which declined approximately 17 percent from last year and more than 13 percent from the cooperative's average since 2008. This decrease reflects only a loss of revenue and not the costs associated with the decrease.

Year	through April					Annual
	halibut	flatfish	groundfish	total tows	tows under 10 mt	halibut
2014	675	64,451	93,872	3,802	486	1,510
2008-2014 average	489	60,775	86,324	3,234	461	1,483
2015	467	53,367	87,012	4,020	728	

Additional costs are evident in the increase in fishing effort attributable to halibut avoidance. The use of test tows and excluders both are highly evident in this year’s fishing data. Cooperative vessels have taken more than 4,000 tows (over 20 percent more than it has averaged since implementation of the program). In addition, the cooperative has taken over 700 ‘test’ tows under 10 mt – over 50 percent more than its average number of small tows through April since implementation of Amendment 80. The costs of this additional fishing (including the lost target catch) are not insubstantial.

While these results are encouraging, uncertainty continues. Conditions vary year to year. In 2013, the co-op’s 4CDE halibut usage through April was very similar to this year’s 4CDE usage. Halibut usage through April (both in Area 4CDE and overall) in 2014 was substantially higher than either this year or in 2013. In 2013, however, the annual halibut usage was very similar to 2014. These uncertainties further suggests that practicality must be considered in taking any action here, particularly when working with a fleet that has demonstrated a willingness to work in a targeted manner that mitigates the effects of bycatch on the directed fisheries.

The remainder of this letter describes halibut avoidance efforts of the cooperative and the effects of those efforts. Understanding those efforts requires a thorough understanding of fishing under Amendment 80 and operational and decision-making under the program.

**The practical side of how Amendment 80 works**

Target species and PSC limits are allocated to co-ops and, to ensure that the co-op as a whole does not exceed any of its allocations, each vessel or company is allocated a share of the co-op’s total allocation of each target and PSC species. Catches are fully monitored with each vessel using VMS and carrying 200 percent observer coverage at all times, with all catch weighed and nearly all hauls sampled. To maximize available fishing options captains are highly incentivized to stay well below limits. Further incentives arise from the cooperative agreement, which fines companies \$33,000 per metric ton over their limit and establishes liability for lost harvest or federal violations if exceeding the individual limit caused the cooperative to exceed its aggregate limit. Since each vessel is both responsible for and protected by its share of the co-op’s target and PSC allocations, potential for lost fishing opportunities has decreased and vessels are able move among target fisheries and areas to avoid halibut concentrations without sacrificing catch. Companies and captains have been more inclined to spend time fine-tuning halibut avoidance techniques.

Amendment 80 is not a single species fishery that can be prosecuted on a species-by-species basis. Because each Amendment 80 target species is a hard cap and vessels must stop fishing when any of these allocations are reached, captains make harvesting decisions based on a variety of factors, including their remaining quota portfolio, future fishing opportunities, environmental conditions, and revenue potential. Maximum revenue is gained by completing the harvest of all of a captain's target quota categories simultaneously.

### **How we reduce halibut bycatch**

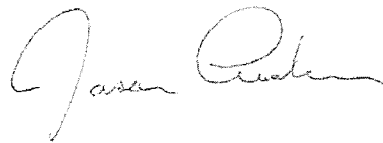
AKSC members use a variety of measures to reduce halibut mortality to supplement the directed halibut fisheries, and AKSC members have agreed to the attached 2015 Alaska Seafood Cooperative Halibut Bycatch Rules. Each of these measures was described in detail to the Council at its February 2015 meeting, and is not repeated here.

### **Conclusion**

AKSC has repeatedly demonstrated to the Council its willingness and ability to address important management issues. The cooperative has developed gear to reduce bottom contact to protect habitat, made gear modifications to reduce halibut bycatch, and worked to develop a program to return halibut to the water quickly to reduce halibut mortality. These efforts continued this year, as the cooperative worked with the IPHC to ensure bycatch would not inhibit the directed halibut fishery in Area 4CDE. The cooperative's efforts show that it is currently reducing bycatch to the extent practicable. These factors, together with the need to balance competing interests across fisheries when interpreting National Standard 9's directive to reduce bycatch to the extent practicable, dictates that any drastic reduction in the Amendment 80 halibut limit is indefensible under the National Standards and the Magnuson Act.

AKSC thanks the Council for careful consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Anderson". The signature is fluid and cursive, with a large initial "J" and "A".

Jason Anderson  
Alaska Seafood Cooperative, Manager

## Appendix

### **Alaska Seafood Cooperative Halibut Bycatch Rules for 2015**

In order reduce bycatch to allow for a substantial increase in the directed halibut fishery catch limit in Area 4CDE from the IPHC staff's preliminary blue line advice, the members of the Alaska Seafood Cooperative (AKSC) agree to the following terms:

**Notice of entry to/exit from the BSAI fisheries** - Each vessel will notify both Seastate and the other fishery participants on entry to or exit from the Bering Sea and Aleutian Islands fisheries to facilitate communication.

**On grounds communication among captains** – Captains will communicate on the grounds concerning halibut bycatch rates. On grounds communication provides the most up to date and complete information concerning halibut avoidance – includes discussions of:

- 1) prevailing bycatch rates and changes in those rates,
- 2) catch rates of O26 halibut (particularly in the 4CDE accounting area),
- 3) effectiveness of deck sorting in the different target fisheries under various conditions and bycatch levels,
- 4) effectiveness of excluders in the different target fisheries under various conditions and bycatch levels, and
- 5) any factor that may be relevant to bycatch rates and O26 bycatch rates, including the effects on halibut rates and O26 halibut rates of:
  - a. time of day
  - b. fishing depth
  - c. water temperature
  - d. areas of halibut concentrations
  - e. excluder performance (including type and mesh size)
  - f. effects of any gear modifications.

**Test tows** – When appropriate, vessels will use smaller test tows to ensure that halibut rate is acceptable prior to fishing an area.

**Attention to Haul Composition** –Wheelhouse personnel will give increased attention to haul composition by watching the bag dump and assessing the halibut bycatch rate and halibut O26 bycatch rate and to increase communication with deck crew concerning halibut bycatch (and halibut O26 bycatch) trends.

**Excluder Use** – The use of excluders is encouraged. Since excluders may have limited benefits (and sometimes increase bycatch) in the high volume, low bycatch periods, vessels are also encouraged to share information concerning the effectiveness of excluders when fishing different areas and under different conditions.

**Seastate Reporting** – Seastate is commissioned to develop bycatch charts on a regular basis that display the halibut bycatch rates (including O26 bycatch rates) in the fisheries. These charts will show halibut bycatch (including O26 bycatch) by target fishery.

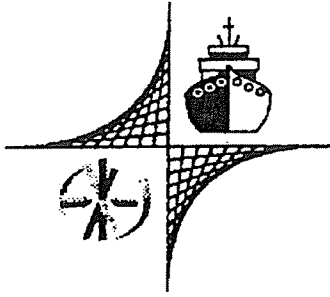
**Decksorting** - On approval of the cooperative's 2015 decksorting Exempted Fishing Permit, vessels are encouraged to use decksorting to reduce mortality of halibut (particularly O26 halibut in the 4CDE accounting area).

**Night Towing** – Night towing is discouraged in fisheries with historically higher night halibut bycatch rates. Cooperative members are directed to give extra attention to halibut bycatch rates (and 4CDE O26 halibut bycatch) if fishing at night. If a vessel cannot achieve night fishing bycatch rates that are measurably similar to day fishing bycatch rates, the vessel is strongly encouraged to end night fishing.

**Rate Standard** — As fishing progresses during the season, cooperative members will consider whether any halibut rate standards may be beneficial for achieving halibut bycatch reductions. Rate standards could be applied at the target fishery level to compel certain avoidance measures, if appropriate rate levels and monitoring requirements and effective response measures can be identified.

**Weekly meetings** – Cooperative members agree to meet weekly to discuss overall Bering Sea halibut PSC performance and 4CDE accounting area O26 halibut bycatch performance. Meetings will include discussions of:

- 1) Prevailing halibut bycatch rates and performance (and particularly 4CDE accounting area O26 rates and performance).
- 2) Success of the various bycatch avoidance strategies identified in this agreement and the effects of any other strategy or factor on bycatch avoidance and rates
- 3) Development of additional measures to reduce bycatch, including whether sufficient information exists to develop any new or additional bycatch avoidance requirements or practices to supplement those identified in this agreement
- 4) Possible performance standards and responses required for those vessels not meeting the standards.



**ALPHA WELDING & BOAT REPAIR, INC.**

P.O. Box 920634  
Dutch Harbor, AK 99692  
(907) 581-1785 Fax (907) 581-2267 Mobile (907) 359-7785

May 24, 2015

Mr. Dan Hull, Chair  
North Pacific Fisheries Management Council  
605 West 4<sup>th</sup> St., Suite 306  
Anchorage, AK 99501

Via Email  
npfmc.comments@noaa.gov

Re: Agenda Item C-2 June/Sitka  
North Pacific Fishery Management Council

Dear Mr. Hull:

Alpha Welding & Boat Repair, Inc is the premier provider of metals repair, fabrication and welding services in the nation's number one fishing port of Dutch Harbor.

Founded in 1990 and incorporated in 2000, Alpha Welding has established a reputation for excellence in providing service to a wide range of customers in the fishing, construction, oil exploration and transportation industries.

Clients include more than 60 fishing companies, businesses throughout Unalaska/Dutch Harbor, Alaska.

We employ up to 15 certified welders, machinists, laborer on a seasonal basis, servicing the Amendment 80 Fleet during their year around operations in Dutch Harbor. I understand that the agenda item listed above is up for Final Action at the June Council meeting in Sitka.

I am writing to you to make you aware of the importance of this fleet to our operations. They operate nearly year around and our port relies on their steady business for stable crew, revenue, and business. As these vessels age, we have seen our business with this fleet steadily grow and we do not want to lose the economic activity this fleet brings to us.

Points to take into account regarding the 'so called' Amendment 80 fleet:

- Fleet is fully observed – providing accurate scientific data for fisheries management



- Fleet operates from Coastal Communities in Alaska, supporting local economy year around.
- Halibut stocks are not a conservation issue, rather a domestic allocation issue
- The fleet is innovative and works cooperatively to reduce bycatch while maximizing directed

With this in mind, I ask you to not decrease the halibut bycatch levels for the Amendment 80 fleet.  
Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Machalek', written over a horizontal line.

Karel Machalek

President

Alpha Welding & Boat Repair, Inc.  
159 Loop Road  
Dutch Harbor, Alaska 99692

Office: 907-581-1785

Shop: 907-581-2666

Cell: 907-359-7785

North Pacific Fishery Management Council

Attention: Dan Hull, Chairman

RE: C2 – Bering Sea Halibut PSC Final action

My name is Doug Blossom, I'm a lifelong resident of the Kenai Peninsula and have fished the northern part of the Gulf of Alaska for the majority of my life. I've fished in all sectors for halibut as a recreational fisherman and commercial fisherman (both commercial IFQ and guided charter vessel). The guided charter sector and commercial IFQ sector have been hit hard due to conservation measures taken for the halibut fishery in the northern Gulf of Alaska. Halibut fisheries are necessary for a healthy economy on the Kenai Peninsula and other areas of Alaska as well, including the Bering Sea Communities. Halibut and salmon are extremely valuable to the communities of Alaska and without healthy populations of these fish, Alaska isn't the same.

I am very concerned about the high level of by catch of Halibut in the Bering Sea as described in your Final action item C2 - Bering Sea Halibut PSC. Research has shown that the Bering Sea has a huge population of juvenile halibut and that those halibut migrate from the Bering Sea to other areas throughout the range of the pacific halibut. Right now the trawl by catch is preventing millions of halibut from leaving the Bering Sea and re-populating other areas. This practice should be curtailed sharply or coastal communities will suffer and the future of halibut fishing all over the Pacific will continue to be threatened. These are unacceptable risks to most of the users of this iconic resource to the benefit of a small number of trawl vessel owners and crews. Bycatch needs to be reduced and then linked to abundance, so all users can share in the sacrifice and in the benefits of a healthy resource. Better electronic video monitoring can also be implemented to ensure on-board observers are getting accurate bycatch data.

Please show Alaskans you care about their communities and the resource and take significant action to reduce Bering Sea Bycatch of halibut to a level that provides opportunity for Alaska fishermen and protect millions of juvenile halibut from being caught and discarded. Fish sticks don't have near the value to Alaskans as wild salmon and halibut.

Sincerely,  
Doug Blossom

**Subject:** C2 Bering Sea Halibut PSC Final Action

**From:** James E Hayden <live2fish@aol.com>

**Date:** 5/26/2015 12:43 PM

**To:** npfmc.comments@noaa.gov

To: North Pacific Fishery Management Council

Attention: Dan Hull, Chairman

RE: C2 Bering Sea Halibut PSC Final Action

Date: 26th May 2015

Dear Chairman Hull and council members,

my  
name is Seamus Hayden and I own and skipper the 58 foot longliner Clyde from Kodiak, Alaska. I've been halibut fishing in the Gulf of Alaska, Bering Sea and Aleutians for 27 years. I am writing to support a halibut bycatch limit reduction in the Bering Sea.

For more than a decade the commercial halibut (longline) catch has been reduced as a conservation measure to protect halibut stocks, yet during this same time period, the allowable halibut bycatch in the BSAI areas has remained unchanged. This is putting the conservation of halibut on the backs of commercial halibut fishermen, charter boat operators, subsistence and sport user groups. I have read many of the letters in support of the amendment 80 fleet and of no reduction in halibut bycatch limits. In these, a potential reduction in future business and earnings is generally cited as a reason to support this, yet we in the commercial halibut fleet have already endured earnings reductions while the amendment 80 fleet profits unchanged. Does this seem unfair to you? It does to me.

In International Pacific Halibut Commission tagging studies, more than 70% of halibut tagged in the Bering Sea are recovered in the Gulf of Alaska, so the heavy take of small halibut by the trawl fleet in the Bering sea certainly has far reaching consequences. The commercial halibut longline fleet, the charter boat fleet, subsistence and sport users all support businesses in Alaska and in Washington and elsewhere.

I strongly urge you to support an immediate reduction in halibut bycatch limits in the Bering Sea and to look into tying those limits to overall halibut abundance in the future.

Sincerely,        Seamus Hayden,  
  FV Clyde

**Subject:** C2 Bering Sea Halibut PSC  
**From:** mike funkhouser <rosterer@gmail.com>  
**Date:** 5/26/2015 12:46 PM  
**To:** npfmc.comments@noaa.gov

The by-catch limit MUST be lowered by at least 50%! I work on a halibut charter in Homer Alaska, there is a very real feeling amongst locals that the halibut population is drastically shrinking and in danger. And after further learning about the trawlers, it's just another short profit scheme that is going to ruin this important resource for everyone in the future. Please hear our plea and stop this senseless madness.

-Mike Funkhouser

5/26/2015

1:45 pm

[rosterer@gmail.com](mailto:rosterer@gmail.com)

**Subject:** C2 Bering Sea Halibut PSC  
**From:** Ann Bayes <bayes@xyz.net>  
**Date:** 5/26/2015 1:10 PM  
**To:** npfmc.comments@noaa.gov

Ann Bayes  
PO Box 575  
Anchor Point, Ak 99556

May 25, 2015

North Pacific Fishery Management Council  
605 West 4th, Suite 306  
Anchorage, Alaska 99501-2252  
Email: [npfmc.comments@noaa.gov](mailto:npfmc.comments@noaa.gov).

Re: C2 Bering Sea Halibut PSC  
BSAI Halibut Bycatch Reduction

Dear Mr. Chairman and Members of the Council,

The time to reduce allowable halibut by-catch mortality by the trawl fleet is NOW.

As a 46 year resident of Alaska, I recognize the rich history of our fisheries resources, as well as the changes that continue to make your decisions more complicated as well as more vital to their continued sustainability.

The time has come to take action. We may not have every scientific answer we would like, and we may not have all the enforcement presence we need; however, voluntary measures do not provide sufficient assurance that all parties are adhering to best management practices in the interest of our halibut resources.

Commercial exploitation of any resource is a matter of economics. Businessman and women are rarely going to go above and beyond the accepted norms within their industry if it is not shown to be in their best interests. Your job is to establish the regulations that define limits of what is acceptable and therefore in their best interests.

While commercial longliners and guided sport fishermen have had their numbers limited and their shares of the catch reduced dramatically in the past few years, the trawl by catch has remained excessive.

Please do not defer this necessary action any longer. It is time to take a hard line with regard to the waste of our halibut stocks due to by-catch.

Thank you for your attention and concern in this regard.

Sincerely,  
Ann Bayes

**Subject:** C2 Bering Sea Halibut PSC

**From:** Steve Williams <sfwillia\_70@yahoo.com>

**Date:** 5/26/2015 1:29 PM

**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

**CC:** "ephraim\_froelich@murkowski.senate.gov" <ephraim\_froelich@murkowski.senate.gov>, "erik\_elam@sullivan.senate.gov" <erik\_elam@sullivan.senate.gov>, "bonnie.bruce@mail.hopuse.gov" <bonnie.bruce@mail.hopuse.gov>

[npfmc.comments@noaa.gov](mailto:npfmc.comments@noaa.gov)

May 26, 2015

North Pacific Fishery Management Council  
605 West 4th Ave, Suite 306  
Anchorage, AK 99501

Subject: C2 Bering Sea Halibut PSC

Good afternoon NPFMC Members:

My name is Stephen F. Williams, a 22 year Alaska resident and avid sports fisherman. I write you today to strongly encourage you to reduce the Alaska halibut bycatch caps in the Bering Sea by no less than 50%.

The Alaska fishery resource is a point of pride for myself and I believe for most Alaskans. In part, because of the manner in which Alaska fisheries are managed. Specifically, they are managed responsibly to preserve this natural resource for the commercial and sports fisherman of Alaska as well as for Alaska's future generations. Unfortunately, our halibut populations are declining and the inordinate bycatch of halibut is a contributing factor. This hurts our commercial and sports fishery friends and our pride.

I urge the North Pacific Fishery Management Council to focus on the long-term health and sustainability of our halibut fishery by reducing the Alaska halibut bycatch caps in the Bering Sea by no less than 50%.

Thank you in advance for your consideration and your service as a Council.

Sincerely,

Stephen F. Williams  
2029 Blueberry Street  
Anchorage, AK 99503

To: North Pacific Fishery Management Council

May 26, 2015

From: The crew of the F/T American No.1  
c/o North Pacific Fishing, Inc.

RE: Halibut incidental catch reallocation

Greetings Council,

Thank you for taking the time to hear our voice on the Halibut reallocation issue. We represent just a small faction of the crews and support personnel that this decision will effect. There are about 2,000 of us that work on the A80 vessels and another 7,000 jobs in supporting positions, mainly in Alaska, and all of our families that will feel the effect of your decisions.

We ask that you will take into serious consideration all the facts concerning this issue and the economic data that will get presented. We know there is a lot of misleading and even slanderous information out there concerning this issue and we need you to sift through that and see the reality, the consequences and even the unintended consequences of your decisions.

This is a job that creates a good living wage for the crews of the A80 vessels and the support personnel. Most of us have made this our career and we want to be able to continue to support our families this way. We all believe in conservation and as a crew we work hard toward that and sacrifice profit for it. The costs involved in avoiding any incidental catch, especially Halibut hits all of us in the wallet pretty hard throughout the year. The extra fuel cost alone to avoid Halibut takes about \$2.2 million dollars a year out of the pockets of the crews in the fleet. This doesn't even take into account longer fishing trips and more time at sea to catch our fish.

The Science and data shows the biomass of Halibut is at normal levels or better. So this really is an allocation issue and not a conservation issue. We work hard at conservation, 200% observer coverage, fully camera monitored, we are hard capped on our incidental catches, which are about 0.5% by the end of the year. This is low by any standard. Longliners fight and sue to not have observer coverage and have no accountability for their own bycatch and discard. They don't keep fish over 32" and discard the rest. We are mandated to keep all of our fish and freeze it, some for no profit at all. If this is a conservation issue then shouldn't you do something about that? As an allocation issue, how can you take a resource from many to give to a few? That is not right any way you look at it.

There are others who will present facts and figures on why we should keep our Halibut quota. We are just the workers who need to support our families and the communities we live in. This is a good living wage job for all of us and our families, and it gets shared a lot of different ways. We need you to do the right thing and keep us working.

One last thought, it is outrageous that we have to discard our Halibut quota. It is such a small amount and so insignificant in our annual catch, and yet we are required to throw it away. We should be allowed to utilize this fish so it is not wasted. Please consider that as well.

Signed, by the crew of the F/T American No.1

F/V American No.1  
North Pacific Fishing, Inc.





Print Name	Signature	Home City, State	No. of family I support
DARIN VANDERPOL	Darin Vanderpol	LYNDEN, WA	5
Leonard Garayol	Leonard Garayol	Spokane, WA	6
JOSE DE JESUS Villagomez	Jose Villagomez	Puyallup WA	8
Esau Filipo	Esau Filipo	Lakewood WA	3
Jorge Arias	Jorge Arias	Miami, FL	5
Henry Siasosi	Henry Siasosi	Seattle WA	15
ANTONIO GUZMAN	Antonio Guzman	Seattle	3
CARLOS DESUCRE	Carlos Desucres	ESCONDIDO CA	5
Miguel Vargas	Miguel Vargas	Pasco WA	5
GATWICH THICHUONG	Gatwich Thichuong	Anchorage, AK	14
Luis Sanchez	Luis Sanchez	Kennecott, WA	9
Patrick Tilbury	Patrick Tilbury	Missoula, MT	3
WILLIAM TITMAN	William Titman	DENVER, CO	5
Robert Graham	Robert Graham	El Paso, TX	1
Carlos Garza	Carlos Garza	Stockton, CA	5
Sriyastlow Koon	Sriyastlow Koon	Dundee, OR	10
Alberto Saldibar	Alberto Saldibar	Mt. Vernon, WA	4
David Sanchez	David A. Sanchez	Mt. Vernon, WA	2
Mauricio Avendaño	Mauricio Avendaño	Seattle, WA	1
Nathan Lewis	Nathan Lewis	Seattle, WA	3
Adam Lee	Adam Lee	Seattle WA	2
Carlos G. Cuevas	Carlos G. Cuevas	Puyallup WA	4
Alexander Serrano	Alexander Serrano	Stockton, CA	5
Paul Petersen	Paul Petersen	Woodville, WA	2
James Nofsinger	James Nofsinger	Portland, OR	2
Isaac VanBuskirk	Isaac VanBuskirk	Eastonville, WA	2

Print Name	Signature	Home City, State	No. of family I support
Alejandro Castrodón	Alejandro Castrodón	Tacoma, WA	6
Daniel Florence	Daniel Florence	Portland, OR	2
JESUS HERNANDEZ	Jesús Hernández	TACOMA, WA	7
Ross Carrico	Ross Carrico	Boise, ID	6
Shawn Nelson	Shawn Nelson	Mid A1	5
Jared Pablo	Jared Pablo	Puyallup WA	1
Michael Anik	Michael Anik	Federal way, WA	1
EIGAR ESTRADA	Eigar Estrada	sacramento, CA	4
Jose Hernandez	Jose Hernandez	Tacoma W.A.	5
JUSTINE MAPU	Justin Mapu	Kent, WA	6
Abel Cromer Jr	Abel Cromer Jr	Boise, ID	3
Thomas Tule	Thomas Tule	Shelton, WA	5
Alexandra Apelo	Alexandra Apelo	Federal way W.A.	6
James H. Kinsey II	James H. Kinsey II	Butte MT	1
Leon Iona Jr	Leon Iona Jr	Puyallup, WA	4

Mark Cooper  
F/V Predator  
PO Box 428  
Newport, OR 97365

Mr. Dan Hull, Chair  
North Pacific Fishery Management Council  
605 W 4<sup>th</sup> Ave, Suite 306  
Anchorage, AK 99501

RE: Agenda Item C2: Halibut Prohibited Species Catch

May 26<sup>th</sup>, 2015

Dear Chairman Hull & North Pacific Council members:

My name is Mark Cooper and I own the trawler F/V Predator. The F/V Predator has a long history of participation in the Bering Sea having fished Pacific cod and pollock since the mid-80's. The F/V Predator is highly dependent on the cod fishery as it accounts for approximately 75% of my portfolio with pollock rounding out the other 25%. My son Chris captains the vessel part-time and we employ six crewmembers. The F/V Predator is a member of the Akutan Catcher Vessel Association.

We are already required to stay under stringent caps when it comes to halibut. The cooperative agreement prohibits night fishing, requires excluder use and requires the use of a cod-end with at least a 7" mesh size (we use 8"). Additionally we have paid for 100% observer coverage in the cod fishery and had to pay into the ODDS system as well. My business has taken the requirement to reduce halibut bycatch to the extent practicable very seriously and we always strive to do better. We have voluntarily stood down when halibut catch rates were high towards the beginning of the season. All of these actions cost time and money and in the fishing business time is money. But we still do it because it is required and it is the right thing to do.

But instead of feeling good about all the great strides we have made in reducing our bycatch we are made to feel like criminals. Described as indiscriminate killers and greedy fishermen who must be stopped from decimating the halibut population. This could not be further from the truth. We are responsible commercial fishermen. We are required by regulation to discard halibut we encounter when we surely could bring them in to the market instead of waste them. My son is a commercial fisherman and I want a sustainable and healthy industry for him in the future. We harvest a healthy and inexpensive protein source that feeds people both here and abroad. We spend countless dollars in remote communities like Dutch Harbor and Akutan, which support local economies. We deliver thousands of pounds of fish to these communities and support processing plant jobs. Additionally we pay a fish tax into these communities above and beyond the dollars we spend there. The small, independent trawl catcher vessel is an extremely important component to the

groundfish fisheries in the Bering Sea. Unfortunately the analysis for this decision is more focused on the plight of the directed halibut fishermen. And while I sympathize and understand their frustration – why is a directed halibut vessel and its crew any more important than my vessel and my crew?

The Magnuson Act requires that we reduce bycatch to the extent practicable. NMFS and the Council have already agreed that some level of halibut interaction is necessary and acceptable in the prosecution of groundfish fisheries in the Bering Sea. Determining that appropriate level is the difficult task, but it is important to remember that “practicable” is not the same as “possible”. It is possible to eliminate trawl bycatch of halibut entirely in the Bering Sea by eliminating the groundfish fishery. That is not, however, practicable, does not meet the requirements of the Magnuson Act and is surely not in the best interest of the nation. It is not clear to me what additional measures we can take to further reduce our bycatch practicably.

Lastly I don't believe this is a conservation issue but a reallocation issue. The analysis demonstrates that the halibut biomass is increasing even with the interaction with the BSAI groundfish fisheries over the last several years. The analysis also states that the Council wants to provide more harvesting opportunity to the direct halibut fishermen – this is reallocation, not conservation.

We all want to make a living and we all want sustainable fisheries. The independent trawl catcher vessel plays an important part in the Bering Sea groundfish fisheries so please keep this in mind when you decide how best to provide halibut opportunities for directed fishermen at the same time as providing opportunities for the BSAI groundfish fisheries to achieve optimum yield.

Thank you for considering my comments.

Sincerely,

A handwritten signature in cursive script that reads "Mark Cooper".

Mark Cooper  
F/V Predator

**Subject:** C2 Bering Sea Halibut PSC Final Action  
**From:** Natasha Hayden <litnik.mtn@gmail.com>  
**Date:** 5/26/2015 1:59 PM  
**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

To: North Pacific Fishery Management Council  
Attention: Dan Hull, Chairman  
RE: C2 Bering Sea Halibut PSC Final Action  
Date: 26th May 2015

My name is Natasha Hayden. I am a lifelong resident of Kodiak and sit on the Native Village of Afognak Tribal Council. I am also the wife of an owner/operator of the commercial longline vessel, F/V Clyde. I am writing to support the maximum reduction of the halibut bycatch limit in the Bering Sea.

For more than a decade the commercial halibut (longline) catch has been reduced as a conservation measure to protect halibut stocks, yet during this same time period, the allowable halibut bycatch in the BSAI areas has remained unchanged. This is putting the conservation of halibut on the backs of commercial halibut fishermen, charter boat operators, subsistence and sport user groups. I have read many of the letters in support of the amendment 80 fleet and of no reduction in halibut bycatch limits. In these, a potential reduction in future business and earnings is generally cited as a reason to support this, yet we in the commercial halibut fleet have already endured earnings reductions while the amendment 80 fleet profits unchanged. Does this seem unfair to you? It does to me.

In International Pacific Halibut Commission tagging studies, more than 70% of halibut tagged in the Bering Sea are recovered in the Gulf of Alaska, so the heavy take of small halibut by the trawl fleet in the Bering sea certainly has far reaching consequences. The commercial halibut longline fleet, the charter boat fleet, subsistence and sport users all support businesses in Alaska and in Washington and elsewhere.

I thank you for your time and sincerely hope you will make a decision that is best for all Alaskan by making the maximum reduction to the Bering Sea Halibut Bycatch at your upcoming meeting.

Natasha M. Hayden, P.E.

(907) 539-2296

Chris Cooper  
F/V Perseverance  
24000 Highway 20  
Philomath, OR 97370

Mr. Dan Hull, Chairman  
North Pacific Fishery Management Council  
605 W 4<sup>th</sup> Ave, Suite 306  
Anchorage, AK 99501

RE: Agenda Item C2: Final Action Halibut Prohibited Species Catch

May 26, 2015

Dear Chair Hull and North Pacific Council members:

Thank you for the opportunity to provide public comment on setting new prohibited species catch levels for halibut in Bering Sea groundfish fisheries. My name is Chris Cooper, I'm from a multi-generational fishing family and I own the F/V Perseverance. I started commercial fishing with my dad part time as a kid and when I was 22 I began fishing full-time – at 35 years old, I still have many years left in the fishing business. The F/V Perseverance has been involved in BSAI fisheries since 1986. Our primary focus in the North Pacific is cod but we also fish pollock. We are highly invested in and dependent on the pacific cod fishery and the decision you make in June regarding halibut will directly impact my vessel business and the people I employ. The Perseverance is a member of the Akutan cooperative.

The FV Perseverance was one of the first boats to utilize a halibut excluder – even before we were required to use one. We have spent tens of thousands of dollars on excluder and net design and we are always looking for ways to reduce our prohibited species catch of halibut and salmon. We stopped night-fishing voluntarily before it was prohibited because we could see the halibut savings. We have stood down on a voluntary basis more than once when the halibut were thick on the cod grounds. I have been actively employing halibut avoidance measures for many years now. During the cod season I am aware of my halibut interactions on a tow-by-tow basis and I'm constantly keeping tabs on the vessel's numbers – it is paramount in my mind and drives my fishing behavior, it is not simply an afterthought.

While I appreciate the requirement to reduce bycatch to the extent practicable, I'm not sure that the options being considered for the trawl limited access fishery and specifically the catcher vessels are at all practicable. There is a tipping point where the costs of fishing negate the benefit. In addition to the actual financial costs of improving net and excluder design the activities that slow down fishing (like no night fishing and voluntary stand downs) are also costly.

I'm also having a hard time understanding how this action is not a reallocation from one fishery to another. The purpose and need statement for the action indicates that the Council wants to provide more halibut harvesting opportunities for the directed halibut fishermen and reducing trawl interactions

is the only way to do that. I know that the Magnuson Act requires certain considerations in a reallocation and it does not appear that issues like recent and historical participation and groundfish dependence have been considered or analyzed. Why is the impact to my vessel and business and the crew that I employ any less important than that of a directed halibut fisherman?

I would like to see no additional restrictions put on the amount of prohibited species catch available to the Bering Sea trawl catcher vessels that deliver cod to shoreside processors beyond what is currently in place and the continued commitment from participants to continue voluntary measures to reduce halibut interactions. In my opinion I don't believe there are any additional actions that I can take that would result in my vessel fishing cleaner than it already is – our bycatch rate is well under 1%, which is pretty darn good.

I'm not sure how much more is practicable at this time especially in a fishery that is not rationalized. If hard cap numbers are set too low the unintended consequences could be a race for fish (which potentially exacerbates bycatch) and/or premature closures with devastating economic effects not just on participants but communities as well. This is a real fear- we only have to look to the Gulf of Alaska and the recent closure there that will result in tens of millions in foregone revenue. Please don't put catcher vessels in an untenable position. We are making great strides in reducing our halibut interactions; the data shows this is true. Don't put us in a position where we can no longer make a living. Forsaking one fishery for another is not what Magnuson is about. And please remember that whatever additional restrictions are put on sectors may seem reasonable or politically acceptable but the actual impacts to small, independent catcher vessels can be overly severe and frankly punitive in reality.

Thank you for your consideration.



Chris Cooper  
F/V Perseverance

F/V Pegasus  
22379 Siletz Highway  
Siletz, OR 97380

Mr. Dan Hull, Chairman  
North Pacific Fishery Management Council  
605 W 4<sup>th</sup> Ave, Suite 306  
Anchorage, AK 99501

RE: Halibut PSC in Bering Sea Trawl Fishery

May 26, 2015

Dear Mr. Hull & Council Members

The F/V Pegasus is a trawl catcher vessel that participates in the BSAI Pacific cod and pollock fisheries. We have been involved in these fisheries since the late 80's. The F/V Pegasus is a member of the Akutan Catcher Vessel Association. We are dependent on cod and pollock as these are the only two fisheries in the North Pacific.

The cooperative agreement requires that we stay under a prohibited species cap performance standard. To achieve this standard we:

1. Prohibit night fishing, and
2. Require excluder use at all times, and
3. Require a cod-end with a 7" mesh size

The F/V Pegasus has also voluntarily taken 100% observer coverage in the cod fishery for the last several years even though we also have to pay for partial coverage in the ODDS system - resulting in over tens of thousands of additional dollars for observer coverage.

The Magnuson Act and the BSAI Groundfish Fishery Management Plan require that overfishing be prevented and opportunities to achieve optimum yield of target stocks are promoted. At the same time we need to reduce bycatch of non-target species to the extent practicable. The independent trawl catcher vessels have taken several steps to reduce bycatch of halibut and these measures have reduced the interactions. It is unclear how the BSAI interactions have impacted the halibut population because the biomass is steadily increasing according to the analysis.

But now you are asking us to do even more. And you are asking for more so that you can take that fish and reallocate it to the directed halibut fishermen under the guise of conservation, no less. When is enough actually enough? And when limits are set so low that vessels cannot make it work and they choose not to fish - is this considered practicable? Is this considered a success? To the narrow-minded it may



actually be a success, but to those of us who are highly dependent on the BSAI groundfish fisheries it most certainly is not. And to the average U.S. consumer who is eating a healthy and inexpensive protein like cod and not \$25/pound halibut it definitely is not a success story.

We will continue to do our best to reduce our halibut interactions – it is in our best interest to do so. We empathize with other small businesses that rely on halibut for their livelihoods. But aren't our livelihoods just as important? Who are the real winners in this proposed reallocation? And what are the unintended consequences of ratcheting hard caps down so low that a vessel can't make it work? In a fishery that is not rationalized you will create a race for halibut in order to get the target species landed before the fishery is prematurely closed. That's two steps backwards, not forward motion.

The F/V Pegasus has done a tremendous amount to reduce our halibut bycatch. Please don't punish the sector of the industry who has been the MOST proactive in bycatch reduction for what we have been able to achieve.

Sincerely

A handwritten signature in cursive script that reads "Mike Storey Capt." The signature is written in black ink and is positioned to the right of the typed name.

Mike Storey  
F/V Pegasus



## North Pacific Fishing, Inc.

570 Kirkland Way ■ Kirkland, WA 98033  
TEL: (206) 283-1137 ■ FAX: (206) 281-8681

To: North Pacific Fishery Management Council

From: Darin VanderPol, Captain F/T American No.1

RE: Halibut incidental catch reallocation

Greetings Council,

Thank you for your time and consideration to hear my viewpoint on the Halibut issue concerning the allocation to the A80 fleet. This is a very important decision that you must make that will impact a great amount of peoples livelihoods and I implore you to use facts and truths to make these decisions and not submit to emotion or slanderous information. This should not be about giving in to the loudest voice in the room, but diligently working for the greater good and common sense.

As companies, captains and crews we have all been doing, and continue to work hard to reduce any and all species that we do not market. Avoiding Halibut is our top priority to maximize our catch potential for the entire year. We spend hundreds of thousands of dollars each year on excluding devices, we often run from target fish to get away from Halibut which requires us to tow longer for smaller hauls. We burn 20% of our fuel to avoid Halibut resulting in \$7.5 million dollars of fuel costs as a fleet. This translates to \$2.2 million out of crews pockets. We get our incidental catch of Halibut down to 0.5% through the year which is on par or better than any fishery. We manage this without getting any regulatory help whatsoever. We are still double policed by closure areas, boxes and zones that serve no purpose at all since we are hard capped and must manage our incidental catches ourselves or park the boats.

We embrace 200% observer coverage, fish bin cameras and monitoring and are an open book to see what we do. There are no secrets to be found. The directed Halibut fishery on the other hand, has protested, fought and sued to not have any observers to watch what they do with their fish. They have no accounting for their own discard of Halibut and they openly do not want, or consider accounting for fish under 32 inches. If conservation is the issue they should be under the same scrutiny as we are, but this is not a conservation issue, it's an allocation issue.

The science says that the biomass of Halibut is within normal ranges. Halibut fishermen want Halibut 32 inches and greater or they discard it. There is a huge amount of Halibut that is under that size, it creates a lot of grief for us to avoid it. It is fatuous to penalize us because biology isn't in their favor right now with the size of the Halibut. As fishermen, we all face adversity for every species we harvest. Ebb and flow is the normal, some years we take it on the chin and some years it's great. We are all victims of this at one point, its nature.

You already have all the economic figures of the impact this decision will make so I won't add that. There is an outcry that it's outrageous we discard this Halibut. I fully agree, it is. The Halibut is part of our quota allocation, it's a very inconsequential part of our annual catch but we should be processing it and not wasting it like we are mandated to do right now. That is a real travesty.

On behalf of myself and about 4,200 others whose jobs this affects, thank you for taking in all the facts and looking at the big picture. A lot of families are counting on you to make the right decision.

Sincerely,



Darin VanderPol

North Pacific Fishery Management Council — 224th Plenary Session  
June 1 – 9, 2015 — Centennial Hall; Sitka, Alaska

**Ludger Dochtermann — Public Comment for the Official Record**

E-submit: [npfmc.comments@noaa.gov](mailto:npfmc.comments@noaa.gov)

**C2 - HAL 15-023 Final Action - BSAI Halibut PSC Limits**

May 26, 2015, Tuesday

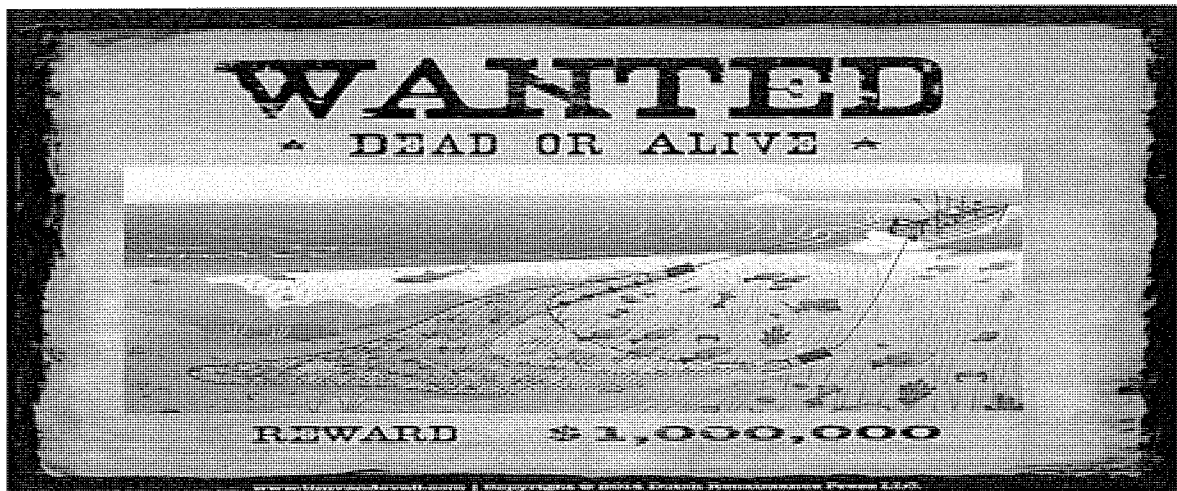
Secretary Pritzker, Chairman Hull and NPFMC members:

My name is Ludger Dochtermann, holder of halibut shares in the BSAI. Again, please **cutback BSAI trawl halibut 'bycatch limits' by at least 50%**, as I've suffered over 70% cutbacks.

I'm currently fishing in the Gulf of Alaska for halibut aboard the F/V North Point, working our tails off because the fishing is tough, and we're running out of bait and being forced to burn up expensive extra fuel. We are first hand witnesses to the harmful impacts excessive 'Bycatch' of halibut by bottom trawlers have caused; and to migratory stock and economic losses incurred.

You know this. You know what, and who caused it. You know about oversized nets, massive horsepower and no trawl speed limits, hidden 'trawl path mortality' and about unobserved discards. It is you. The NPFMC, who has failed to stop those Johnny Come Latelies who have encroached upon our historical fisheries in recent decades, destroying our century longer halibut fishery. You know where their fish go and about the offshore profits they hide.

They are outlaws! These trawlers go out for short trips and massively devastate our fishery by hard plowing the bottom with oversized nets: fast and furiously. They should have to work on longliners and see what a tough fishery is like, because they just sit on their lazy butts watching their electronic targeting screens and haul up huge catches full of our future generating juvenile halibut and treat all others' fisheries with a pillaging and slaughtering attitude not unlike the Cambodian Killing Fields. They willfully operate a Fish Genocide!



*"I cannot separate my morals. \*"* How do you? At the top of the stack is the survival of halibut, sustainability and conservation. Our incomes come second to that, for without the former, we can't attain the latter.

This bottom trawling destruction is nuts! And you are crazy if you don't immediately put a stop to it. Why does the government let them do it? Why did they finance these ocean raping

vessels at low NMFS loan rates? Do you not know how many good family fishermen and coastal communities you have harmed? Why not make each of the Amendment 80 participants show their faces, go on the federal record, and grill them long and hard about their practices?

Every fisherman knows of the moral decrepitude and irresponsibility of working on a trawl deck. Good moral fishermen, caring of all the fish in the sea, steadfastly refuse to participate in those sea bottom rapes. They are tired of politics and money destroying the halibut and other stocks, at the hands of these outlaws. You know this, it is a worldwide fact. Trawling practices like that should be internationally forbidden.

We are fed up with the lies many Amendment 80 bottom trawlers are putting forth. Strike their lies from the record, and prosecute them for the false information. And we are tired of the Washington and Oregon delegates supporting the larger —often foreign serving— companies involved and being careless of our Alaskan communities and their historical rights.

It is not a euphemistic “bycatch” as if it is all innocent and incidental. They are deliberate. It is PROHIBITED SPECIES CATCH, not even an abbreviated PSC. Call it what it is. Stop being bycatch tolerant administrators and manage the fisheries, plural. Base it on the science of conservation and find some way to measure the real socio-economic costs and benefits.

This issue cannot be resolved with tolerance of bycatch, with the stupidity of “incentives” (they need disincentives like the criminals they are). This issue will not be handled with avoidance attempts (gear modifications dragging slowly along while destruction continues) that take years to implement — nor with abstinence promises. You must erase the conditions which give rise to PROHIBITED SPECIES CATCH.

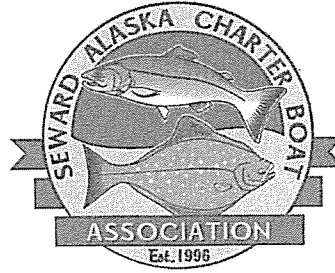
To know trawlers, just look at the recent comments in the Gulf of Alaska after the May 3 shutdown due to their failure to stay under the Chinook caps. They started blaming everyone else. Worse yet, they suggested that those are not local Chinook, that they are migratory, Canadian and West Coast and a lot of hatchery salmon. As if they should be allowed to kill as many as possible – inattentively mindful of the harm to other states and nations, other rights holders and their investments. They act deliberately, wanting salmon and halibut genocide.

These trawl outlaws have no moral compass whatsoever. There are, as you know, no ‘unforeseen consequences’ that warrant further openings after they, themselves, shut down their own fishery. In the BSAI, there are also no unforeseen circumstances too, Amendments and management plan language aside: you don’t need to wait to disincentivize resource crimes. We, you, all know this. But you allow it to go on. I will not recap the well-known numbers of halibut destroyed, and the failures of the NPFMC to have long lowered trawler bycatch limits responsibly in line with cutbacks to the directed halibut harvest total catch limits.

I demand action, punishment for the guilty not incentives for outlaws, and that you swing your moral compasses to the correct alignment. \*- In the words of Martin Luther King, “I cannot segregate my morals!” How can you? Vote very carefully and take strong action against this PROHIBITED and unwarranted destruction by the outlaw Johnny Come Latelies.



Ludger Dochtermann, F/V Stormbird & F/V North Point  
P.O. Box 714; Kodiak, Alaska 99615 Tel: 907.486.5450 [dochtermann.ludger@gmail.com](mailto:dochtermann.ludger@gmail.com)



May 26, 2015

North Pacific Fishery Management Council

Re: C2 – Bering Sea Halibut PSC Final Action

Chairman Dan Hull,

The Seward Alaska Charterboat Association has been representing the local charter fishing fleet since 1996. We currently have 21 member businesses with a total of 41 charter boats in operation from Seward.

The members of the Seward Charterboat Association unanimously support strict action with regard to halibut bycatch reduction in the Bering Sea trawl fleet. We urge you to pass a bycatch cut of 50%. The directed commercial halibut fishery and the charter industry in 2C and 3A have taken major cuts to protect the halibut resource. At the same time, the Bering Sea trawl fleet continues to waste millions of pounds of halibut each year. It is time that the Bering Sea trawl fleet is held accountable for each and every pound of halibut they waste as bycatch and for their bycatch levels to be strictly linked to abundance.

As you know the Bering Sea is a nursery for juvenile halibut. These fish, given the opportunity to survive, migrate eastward and populate the Gulf of Alaska and beyond. The trawl fleet is currently killing and wasting more than a million juvenile halibut each year. The health of this resource plays a vital role in the lives of families around the state. The council needs to protect the livelihood of small Alaskan fishing families who rely on the halibut resource for food, income, and traditional ways of life.

The health of the halibut resource in the Bering Sea and Gulf of Alaska depend on your action. Please show all Alaskans you are putting coastal communities ahead of large fishing corporations and pass a halibut bycatch reduction of 50% in the Bering Sea trawl sector.

Sincerely

Steven Zernia  
President  
Seward Alaska Charterboat Association

**Subject:** written testimony  
**From:** martin gowdy <mlgowdy@gmail.com>  
**Date:** 5/26/2015 2:42 PM  
**To:** npfmc.comments@noaa.gov

Hello my name is Martin Gowdy I am a second generation fisherman, I have been fishing for 23 years.

Trawl bycatch in the Bering sea Aleutian Island is out of proportion to the amount of halibut in the sea. Trawl discard of halibut in the Beritheng sea Aleutian Island was seven times more than the directed fishery in the same area in 2014. This is not good management / sustainable / reasonable and not good stewardship. In the past 14 years the directed fishery has cut and cut our harvest and in the last 20 years there has been no reduction in the trawl bycatch cap. The reasons bycatch reduction is paramount are many, here are a few. 70 to 90 percent of halibut tagged in the Bering sea Aleutian Island are recovered in the gulf of Alaska and down the coast. The IHPC has determined a 1:1 lost yield on all size of halibut bycatch. it breaks my heart to see this resource being driven into the ground with this kind of management. When We finally got the foreign flagged trawlers out of Alaskan waters in the late 70s our halibut numbers increased. Now our domestic trawl fleet is doing the same thing if this continues it threatens the lively hood of the 2,554 individuals, 160 companies and the people they support and the biggest loser the Halibut them selves. I am in full support of a reduction of at least 50 percent in the trawl bycatch caps. Thank you for reading this .

Martin Gowdy  
[mlgowdy@gmail.com](mailto:mlgowdy@gmail.com)

**Subject:** halibut bycatch comment  
**From:** "pletnikoff" <pletnikoff@alaska.net>  
**Date:** 5/26/2015 2:42 PM  
**To:** <npfmc.comments@noaa.gov>

To The Members of the North Pacific Fishery Management Council:

Please act responsibly to protect the halibut resource. We have witnessed the devastating impact of declining stocks and resulting loss of quota shares.

The International Pacific Halibut Commission has done very well managing the halibut fishery; now it is left to you to stop the wanton waste of by-catch. Please honor obligation to protect the resource. Put an end to halibut by-catch.

Judith Pletnikoff  
Kodiak, Alaska  
[jpletnikoff@gmail.com](mailto:jpletnikoff@gmail.com)



May 26, 2015

North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Avenue, Suite 306  
Anchorage, AK 99501

RE: Agenda item C-2 Bering Sea Halibut PSC

Dear Chairman Hull and Council members:

We appreciate the opportunity to comment on the issue of Bering Sea Halibut Prohibited Species Catch (PSC or bycatch). The Alaska Marine Conservation Council (AMCC) is an Alaska-based non-profit dedicated to protecting the long-term health of Alaska's oceans and sustaining the working waterfronts of our coastal communities. Our members include fishermen, subsistence harvesters, marine scientists, small business owners, and families, many of whom rely on healthy halibut fisheries.

Bering Sea halibut fisheries are facing a crisis of striking proportions. At present, more Bering Sea halibut is removed as bycatch (over seven million pounds) than is caught in the directed fishery. And while harvests in the directed halibut fisheries in this region have been reduced dramatically, the bycatch limits for the groundfish fisheries that operate in the same area have remained relatively unchanged for twenty years.

Taking swift action to reduce the currently high levels of halibut bycatch is necessary to maintain a healthy marine ecosystem, ensure long-term conservation and abundance of halibut, provide optimum benefit to fishermen, communities, and U.S. consumers that depend on halibut resources, and to comply with the Magnuson-Stevens Act (MSA).

To meet the North Pacific Fishery Management Council's (Council's) obligations under the MSA, and to continue its reputation for sustainable management, it is critical that the Council takes quick and decisive action to right this egregious situation. To that end, we ask the Council to:

**Reduce bycatch caps by at least 50%, particularly for those sectors that are responsible for the majority of the halibut bycatch in the Bering Sea.**

We urge you to move forward at this meeting to address this issue of great importance to communities and fishermen throughout Alaska and the Pacific Northwest and to protect this critical resource.



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### A. The Need for Conservation

The Pacific halibut stock has continuously declined over the past two decades.<sup>1</sup> The International Pacific Halibut Commission (IPHC) has estimated a 66% decline in catch rates from 2000 to 2013.<sup>2</sup> The female spawning biomass of halibut is about half as large as it was during the 1980s and early 1990s, even with low directed-fishery harvest levels.<sup>3</sup>

Decades of decline have left the status of the stock in a precarious position. The decline in population is primarily a result of smaller recruitment strength and decreasing size-at-age, resulting in bycatch becoming an increasingly significant source of mortality as it becomes a larger proportion of the overall harvest.<sup>4</sup> Recruitment has decreased substantially since the 1980's, and the strong year classes observed in 2004 and 2006 have disappeared rapidly, such that these classes are no longer evident in fishery, setline survey, or NMFS trawl surveys.<sup>5</sup> Given the slow growth rates of the species and the lack of a strong recruitment year class, declines in halibut numbers are unlikely to change in the near future. And, because managers are essentially unable to assess the strength of incoming year classes for eight to ten years, the strength of incoming year classes will likely remain uncertain for the next decade.<sup>6</sup>

Bycatch of halibut in the Bering Sea groundfish fishery is not only significant, but at this point in time is the largest source of mortality for halibut in Area 4 by far. On average, groundfish fisheries in the Bering Sea remove five million pounds of halibut a year. Bycatch mortality of Bering Sea halibut has increased by 21% of total removals in the same time period in the last five years.<sup>7</sup> And while the IPHC reduced harvests in the directed fishery by 69% between 2007 and 2013, bycatch limits for Bering Sea groundfish fisheries have remained unchanged at over seven million pounds. This is in stark contrast to the directed halibut fisheries in the Bering Sea, which have faced significant losses over the past five years, during which time harvests have decreased by 62%.<sup>8</sup>

Despite a request from the Council to industry to voluntarily reduce bycatch by 10% in June 2014, halibut bycatch has actually *increased* for some sectors in 2014, compared to the 2009-2013 average.<sup>9</sup> The Amendment 80 sector, which is the largest contributor to halibut bycatch, saw an increase of 3% in 2014 and the American Fisheries Act catcher-processors saw an increase of 158%.<sup>10</sup> In looking at 2014 bycatch,

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<sup>1</sup> Stewart, I. J. & S. Martell, Assessment of the Pacific halibut stock at the end of 2013, IPHC Report and Assessment and Research Activities at 169 (2013); 79 Fed. Reg. 13,906, 13,907 (March 12, 2014); C2 p. 51.

<sup>2</sup> Ian J. Stewart et al., Report to the North Pacific Fishery Management Council on the Status of Pacific halibut in the Bering Sea and Aleutian Islands and the impacts of Prohibited Species Catch 9 (2014).

<sup>3</sup> See id. at 196 fig. 19.

<sup>4</sup> Stewart & Martell, supra, at 169, 172,174; see also North Pac. Fishery Mgmt. Council, Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis, Revise Bering Sea/Aleutian Islands Halibut Prohibited Species Catch Limits, Initial Review Draft 51(2015) [hereinafter EA/RIR/IRFA].

<sup>5</sup> EA/RIR/IRFA supra, at 55

<sup>6</sup> Id.

<sup>7</sup> Id.

<sup>8</sup> Ian Stewart, Halibut Removals by Area and Source 2010-2014 (2015).

<sup>9</sup> EA/RIR/IRFA, supra, at 49.

<sup>10</sup> Id.

it is also important to note that within the trawl fisheries, two fisheries alone were responsible for the majority of the bycatch — the yellowfin sole and rock sole fisheries combined were responsible for 67% of the halibut bycatch.<sup>11</sup>

Equally problematic is the fact that a large amount — roughly half — of bycatch is comprised of juveniles (fish less than twenty-six inches in length). Removal of these juveniles presents several conservation concerns for stocks throughout the halibut's range. First, these sexually immature juveniles serve as the main source of recruitment for the entire Pacific population. Because nearly half of the fish removed as bycatch are not sexually mature, these fish are precluded from contributing to the production of future generations. Removing juveniles also results in reduced yield and the loss of a lifetime of reproductive production to the stock.<sup>12</sup> The reduction in future yields to the directed fisheries from the under twenty-six-inch bycatch mortality cumulatively totals about a pound of directed yield per pound of halibut mortality in groundfish fisheries.<sup>13</sup> This loss is distributed coastwide among all regulatory areas.<sup>14</sup> Importantly, the yield loss to halibut stocks caused by the removal of juveniles cannot be compensated for by management regulations.<sup>15</sup> Second, the removal of such a high volume of young fish in the Bering Sea stops the migration of these juveniles to other areas;<sup>16</sup> consequently, bycatch in the Bering Sea creates uncertainty for stocks in other areas of the North Pacific.<sup>17</sup> Finally, the extensive removal of young fish diminishes future biocomplexity of the stock and likely adversely impacts food webs throughout the halibut's migratory range.<sup>18</sup> The degree to which these conservation concerns increases the likelihood of significant stock declines is conspicuously missing from the Council's Environmental Assessment.

Despite statements in the Environmental Assessment suggesting that there is no evidence to demonstrate that the halibut stock is potentially overfished or experiencing overfishing, significant uncertainty exists with respect to halibut stock assessments. The construction of the Area 4CDE index, the area that has seen the greatest increase in bycatch rates,<sup>19</sup> is based on a single year's calibration study and the advent of new data and calibration studies have the potential to significantly impact estimates of Bering Sea biomass in this year's assessment.<sup>20</sup> Not surprisingly, then, managers have underestimated halibut PSC mortality

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<sup>11</sup> Nat'l Marine Fisheries Serv., Report to the North Pacific Fishery Management Council on Bering Sea and Aleutian Islands In-Season Management Report (2014).

<sup>12</sup> Patrick J. Sullivan et al., Pacific Bycatch in the Groundfish Fisheries: Effects on and Management Implications for the Halibut Fishery 12 (1994).

<sup>13</sup> EA/RIR/IRFA, supra, at 81.

<sup>14</sup> Id.

<sup>15</sup> Id. at 13.

<sup>16</sup> Int'l Pac. Halibut Comm'n, Report of the Halibut Bycatch Work Group 3 (2013) [hereinafter Work Group Report I] (“Small juvenile halibut serve as the recruitment to the resource, providing the productivity of the resource but also provide future fishery yield. The growth of these juveniles into adults supports the spawning biomass. Estimating the impact of the loss to future spawning biomass by the bycatch of juveniles is complex due to assumptions about migration, natural and fishing mortality, and growth.”).

<sup>17</sup> Int'l Pac. Halibut Comm'n, Report of the Halibut Bycatch Work Group II 6 (2014).

<sup>18</sup> See David Witherell et al., An Ecosystem-based Approach for Alaska Groundfish Fisheries 772 (2000)

<sup>19</sup> EA/RIR/IRFA, supra, at 71.

<sup>20</sup> Id. at 55

values in Area 4CDE in the last two years.<sup>21</sup> In addition, the current IPHC harvest policy, known as the “blue line,” does not include juvenile mortality in the quantitative evaluation of annual catch limits; therefore, managers have no way to directly compare these removals with those of mature fish.<sup>22</sup> This also means that the IPHC cannot directly evaluate the potential effects of changes in annual juvenile mortality, and can only observe these changes years later when they have been fully reflected in the assessment estimates of stock size and productivity.<sup>23</sup> Simply put, the blue line does not provide a clear understanding of the effects juvenile mortality to decision makers and resource users.<sup>24</sup>

B. The Council/NMFS Must Immediately Reduce Bycatch to Meet Its Legal Obligation Under the MSA

The situation in the Bering Sea has reached a level of absurdity, with 87% of the total mortality in Area 4CDE attributable to bycatch.<sup>25</sup> This situation is not only contrary to basic principles of equity and fairness, but it is also in conflict with the Council’s obligations under the MSA.

Both National Standard 9 and section 303(a)(11) of the MSA require NMFS to minimize bycatch to the extent practicable.<sup>26</sup> The current PSC levels do not meet this obligation and are simply too high to adequately protect halibut stocks throughout their range, and too high to meet the obligations of the MSA. Given the current status of the halibut stock, the directive to reduce bycatch is even more compelling. A situation in which the directed fisheries catch limits are continually reduced while the bycatch limits remain largely the same — with actual bycatch increasing for some sectors — is on its face a failure by the Council to comply with the MSA. At present, bycatch is not being minimized under the current management regime.

Reductions in bycatch are also practicable. Canada’s west coast trawl fishery has achieved a 90% reduction in halibut bycatch mortality since 1991.<sup>27</sup> Notably, Canada achieved these reductions while still allowing the trawl fishery to operate year-round.<sup>28</sup>

And, although the Council must balance the requirements to reduce bycatch with National Standard 1’s mandate to achieve optimum yield,<sup>29</sup> National Standard 1 is not in conflict with further reductions in bycatch; in fact, National Standard 1 requires it. As defined in the MSA, “optimum” yield “must be reduced by any relevant economic, social, or ecological factor.”<sup>30</sup> Fishery managers must also consider

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<sup>21</sup> Id. at 62

<sup>22</sup> Ian J. Steward et al., *Accounting for and Managing All Pacific Halibut Removals* 3 (2015).

<sup>23</sup> Id.

<sup>24</sup> Id.

<sup>25</sup> EA/RIR/IRFA, *supra*, at 372.

<sup>26</sup> 16 U.S.C. §§ 1851(a)(9), 1853(a)(11).

<sup>27</sup> Int’l Pac. Halibut Comm’n, *supra*, at 6.

<sup>28</sup> Id.

<sup>29</sup> 16 U.S.C. § 1851(a)(1).

<sup>30</sup> Id. § 1802(28).

recreational opportunities and the protection of marine ecosystems.<sup>31</sup> These are the same considerations that instruct the Council to reduce halibut bycatch.

Current levels of bycatch have significant economic, social, and ecological consequences. The directed fishery has faced year-after-year of reductions — a 62% decrease in landings over the past five years — as the stock has declined. Halibut-dependent communities and the recreational fishery have also borne the brunt of depleted halibut stocks. Further cuts in halibut catch limits have and will continue to have dramatic effects on the businesses, economies, and social fabric of these groups and communities. Additionally, the rampant halibut bycatch in the Bering Sea is hindering NMFS' ability protect marine ecosystems, both in the Bering Sea and, due to the documented range of juvenile halibut, throughout the North Pacific. The Council must take these factors into consideration before finalizing harvest specifications.

The Council must also meet its MSA obligations to prevent, conserve, and manage the Pacific halibut stock and to prevent overfishing.<sup>32</sup> Bycatch of halibut in the Bering Sea groundfish fishery is potentially causing overfishing of halibut and the stock of halibut may currently be in an overfished condition. The Groundfish FMP, which governs the management of halibut bycatch, does not establish criteria to assess whether the halibut stock is overfished or subject to overfishing. As a result, there is no way for NMFS to ensure that halibut bycatch management measures it implements through the harvest specifications process will prevent overfishing or rebuild an overfished halibut stock. Because IPHC catch limits have exceeded the blue line in seven of the last ten years, the status of halibut stocks must be considered. Thus, in order to comply with the MSA, the Council must establish, whether in the Groundfish FMP or in a separate FMP for halibut, objective criteria to monitor the status of halibut stocks and identify when the halibut stock is overfished or subject to overfishing.<sup>33</sup>

In setting harvest specifications for the Groundfish FMP, National Standard 4 instructs the Council to ensure that allocation of the resource is both “fair and equitable to . . . all fishermen,” and “reasonably calculated to promote conservation.”<sup>34</sup> The status quo is counter to basic principles of both fairness and equity. Directed halibut fisheries in the Bering Sea have faced significant losses over the past five years, during which time harvests have decreased by 62%. In stark contrast, bycatch mortality of Bering Sea halibut has increased by 21% of total removals in the same time period. And while the IPHC reduced harvests in the directed fishery by 69% between 2007 and 2013, bycatch limits for Bering Sea groundfish fisheries have remained relatively unchanged at over seven million pounds for nearly twenty years. Further, despite a request from the Council to industry to voluntarily reduce bycatch by 10% in June 2014, halibut bycatch has actually increased for some sectors in 2014, compared to the 2009-2013 average. As a matter of fairness and equity, the Council cannot ask other user groups to take such

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<sup>31</sup> Id.

<sup>32</sup> Id. §§ 1853(a)(1)(A), 1851(a)(1).

<sup>33</sup> See Id. § 1853(a)(10).

<sup>34</sup> Id. § 1851(a)(4).

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disproportionate cuts to their catch limits year after year, all while bycatch caps remain stagnant. A system that places the *entire* burden of conservation on the directed fishery, while allowing bycatch to continue at or above historic levels, is not equitable.

Likewise, the status quo is not reasonably calculated to promote conservation, as required under National Standard 4.<sup>35</sup> Under the current system, the IPHC could shut down the directed fishery, leaving bycatch caps as the sole conservation measure to reduce mortality on an ailing stock. This situation nearly presented itself last year, when the IPHC considered reducing harvest in area 4CDE to zero. Because the Groundfish FMP does not contain objective criteria to monitor the status of halibut stocks and identify when the halibut stock is overfished or subject to overfishing, the current system does not promote conservation.

The Council must also meet the requirements of National Standard 8, which mandates that the Council “take into account the importance of fishery resources to fishing communities in order to . . . provide for the sustained participation of such communities,” and, “to the extent practicable, [to] minimize adverse economic impacts on such communities.”<sup>36</sup> The current situation, in which the halibut resource in Areas 4CDE is overwhelmingly allocated to bycatch, does not comply with these requirements. Placing the entire burden of conservation on the directed fishery, and thus the communities supported by that fishery, is directly contrary to the need to provide for sustained participation and to minimize impacts on those halibut-dependent communities. In fact, the current division between bycatch and directed harvest appears to *maximize* the negative impacts on these communities.

These negative impacts are particularly dramatic for the communities in the Bering Sea, where, beyond the halibut fishery, few economic alternatives exist. Consequently, the loss of historic halibut fisheries will undoubtedly result in extreme economic and social consequences to these communities — consequences that go far beyond a dollar value. These affected communities are also communities with high proportions of both minority and low-income populations,<sup>37</sup> giving rise to issues of environmental justice.<sup>38</sup>

Halibut migratory patterns from the Bering Sea also make bycatch a coast-wide issue. The aggregate results of IPHC tagging programs indicate that the Bering Sea and Aleutian Islands are net exporters of halibut to other regulatory areas, such that a halibut born in the Bering Sea could be in any regulatory area

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<sup>35</sup> *Id.*

<sup>36</sup> *Id.* § 1851(a)(8).

<sup>37</sup> EA/RIR/IRFA, *supra*, at 368.

<sup>38</sup> Per Council on Environmental Quality guidance on environmental justice, under the National Environmental Policy Act, the identification of such an effect should heighten agency attention to alternatives, mitigation strategies, monitoring needs, and preferences expressed by the affected community or population. See Generally Council on Env'tl. Quality, Environmental Justice: Guidance Under the National Environmental Policy Act (1997), available at ([http://www.epa.gov/environmentaljustice/resources/policy/ej\\_guidance\\_nepa\\_ceq1297.pdf](http://www.epa.gov/environmentaljustice/resources/policy/ej_guidance_nepa_ceq1297.pdf)).

within a few years.<sup>39</sup> As such, bycatch of juvenile halibut negatively affects subsistence, commercial, and recreational halibut fishermen, and their communities, throughout the North Pacific. There are currently 1,965 Alaskan IFQ holders. These permit holders primarily employ other Alaskans. Income derived from halibut fishing is an integral component of maintaining diversified fishing opportunities, which are critical to fishermen and fishing dependent communities. Halibut, of course, provides more than just commercial fishing opportunities. The subsistence halibut fishery provides a vital resource for thousands of Alaskans. Recreational fishermen flock to Alaska in pursuit of the iconic fish. Sportfishing-fueled tourism supports charter fishing captains and crew and the communities within which they reside.

In closing, the halibut stock and fishery are in a critical state. It is crucial for both conservation and equity that we reduce halibut PSC limits in the Bering Sea groundfish fisheries immediately by at least 50%. To serve conservation needs, we need the halibut currently wasted as bycatch to have an opportunity to mature and contribute to the spawning biomass. As a matter of equity, we cannot ask other user groups to take huge hits in their catch limits year after year while bycatch limits remain stagnant. We urge the Council to comply with the MSA and continue its legacy of sustainable management by acting expeditiously to reduce halibut PSC limits in a meaningful way. Subsistence fishermen, directed-halibut commercial fishermen, sport fishermen, and an array of organizations and communities across Alaska are united in their call to end the waste of a fishery so vital to our state. From the dramatic cuts incurred by directed halibut fishermen, to collaborative projects such as Every Halibut Counts in the sport fishery, other users are doing their part in a number of ways to sustain the halibut fishery. The Council must act to do what we and other users cannot do, and that is to minimize bycatch in the trawl fishery by the amount that conservation, our communities, equity, and sound fisheries management currently demand—which is at least 50%.

We thank the Council for your attention to this important matter and urge you to move forward swiftly with the measures outlined above. Thank you for your consideration of these comments.

Sincerely,



Kelly Harrell  
Executive Director

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<sup>39</sup> EA/RIR/IRFA, supra, at 56.

Jim Seavers  
F/V Seeker, Inc.  
PO Box 1010  
Newport, OR 97365

May 26, 2015

Mr. Dan Hull, Chair  
North Pacific Fishery Management Council  
605 W 4<sup>th</sup> Ave, Suite 306  
Anchorage, AK 99501

RE: Agenda Item C2: Final Action - BSAI Halibut PSC Limits

Dear Chairman Hull:

My name is Jim Seavers, and I am the owner of the 98 foot F/V Seeker. The Seeker has participated in the cod fishery every year since 1988. The Seeker and its 4 crew members spend at least 3 continuous months in the Bearing Sea fishing, purchasing fuel, provisions, and supplies; and obtaining services from a vast network of Alaskan support services that are required to support a commercial fishing boat through its months spent in Alaska. You have heard from some of these Alaskan businesses, many of them family owned, through their submitted public comments. Every year, about half of the Seeker's at-sea days are spent in Alaska. The Seeker also fishes for Pollock in Alaska, but it is more dependent upon cod by a 3 or 4:1 margin. Cod has historically made up a significant portion of the vessel's income, up to half in some years.

The Seeker underwent significant upgrades in 2014, the primary one being a sponson at a significant loan cost. A large part of the decision to sponson the Seeker was its dependence upon and participation in Bearing Sea fisheries and the conditions a vessel must endure there.

The Seeker has significantly reduced its halibut bycatch as a member of the Akutan Catcher Vessel Association, abiding by coop rules for excluder use and prohibition of night fishing. The Seeker has also taken the voluntary steps of paying for 100% observer coverage since 2012 and "standing down" during periods of high halibut bycatch. The Seeker, like other Alaska cod boats, has, to the extent practicable, minimized their halibut bycatch. I say "practicable" because any further reduction in halibut catch levels would be achieved with corresponding reductions in catch of cod.

Reductions in halibut PSC limits could have an added level of negative consequences in a non-rationalized fishery as is the case with cod trawl catcher vessels. A derby fishery with a severely limiting choke species has, in other past fisheries, sparked a race for fish and resulted in the opposite of the intended effect to reduce bycatch rates. Competitive limiting fisheries such as these can reduce cooperation between boats and organizations, which reduces efficiency, and makes it more difficult for fishermen to accept "stand down" periods that reduce bycatch under certain conditions.

Rationalizing the cod fishery could give catcher vessels a tool for limiting bycatch based on ever changing conditions, as opposed to decreasing bycatch in a derby fishery that exacerbates problems in direct opposition to MSA goals. Simply cutting halibut PSC limits beyond practicable levels would provide a net harm to fishing communities by all measures, and that harm would be real to the Seeker's crew members, support industries, processor, and all associated businesses and family members that benefit from that economic activity, both in Alaska and west coast fishing communities.

Sincerely,

Jim Seavers,  
Owner, F/V Seeker



Sitka Conservation Society  
201 Lincoln St., Rm 4  
Sitka, AK 99835  
May 25, 2015

North Pacific Fisheries Management Council  
605 West 4th St., Suite 306  
Anchorage, AK 99501

Dear members of the North Pacific Council:

The Sitka Conservation Society urges you to take action on Agenda Item C2 by reducing the trawl fleet's halibut bycatch quotas by 50%. Reducing halibut bycatch would be an important conservation measure for declining halibut stocks and is absolutely necessary for the survival of the directed fishery.

Halibut stocks have plummeted, shrinking the exploitable biomass from 796 million tons in 1997 to 170 million pounds in 2014. As the number of halibut has decreased, the International Pacific Halibut Commission has rightfully reduced the number of halibut that can be caught in the directed fishery. Unfortunately, they only control a small portion of the problem. Much more halibut is caught as bycatch by the Bering Sea trawl fleet than is caught by the directed fishery. In 2014, it was seven times more halibut for the trawlers as bycatch, than for the total halibut fishermen's quota. This not just absurd, it is sad and it is a scandal. The IPHC's actions to limit the directed fishery are much like bringing a garden hose to a firefight — it is the right idea, but on the wrong scale. The IPHC lacks the resources to take meaningful action to protect halibut stocks. They do not have the authority to the bycatch limits of a completely different fishery, even though that fishery has a much greater impact on halibut populations and is devastating the stocks. The power to take action on this fishery, and the ultimate responsibility for this horrible situation rests with the North Pacific Council.

In its Environmental Assessment, the North Pacific Council estimated that a bycatch reduction would result in close to a 1:1 increase in catchable biomass for the directed fishery. If it's true that reducing bycatch would merely shift fish mortality from the trawlers to the halibut fleet, would reducing bycatch actually help to increase the halibut stocks? In a word, yes. Unlike longlines or sport fishermen, trawlers disproportionately catch juvenile halibut that have not yet had the opportunity to spawn. When 60-80% of the halibut killed are less than 28" long, as they are in trawler bycatch, 60-80% of halibut killed have not contributed to future populations. Shifting halibut mortality to the directed fishery may not have a large effect on the current population, but will allow the stock to grow from the bottom up by allowing the species to reproduce and build its population.

Reducing halibut bycatch is about more than stock conservation, though. It is a necessary step to protect the livelihoods of local fishermen. Should the North Pacific Council fail to reduce bycatch quotas this year to match the cuts made to the directed fishery, the disparity between the number of halibut caught by trawlers and the number caught in the directed fishery is projected to rise from 7:1 to 13:1. Is Alaska destined to become a state that harvests up to 9 million pounds of halibut, but where none of that halibut is caught or sold for human consumption? The Sitka

Conservation Society believes in the value of local communities harvesting local resources. We cannot support the wholesale replacement of accessible local jobs in favor of multi-million dollar, out of state corporations.

The North Pacific Council is charged with balancing many competing National Standards. While promoting “optimal yield” (NS 1), the Council must also take into account the needs of local communities (NS 8) and minimize bycatch (NS 9). When “optimal yield” is interpreted as more than just an economic directive, instead interpreted more broadly as the union of environmental, social, and monetary goals, those National Standards become more closely aligned. The environmental need to reduce bycatch is clear - culling halibut before they’ve ever spawned is not sustainable in the face of declining halibut populations. The social need is also clear - Bering Sea communities depend on halibut both as an important subsistence food and as their primary form of employment. Without a reduction in halibut bycatch, there will no longer be enough halibut to support the directed fishery that these communities absolutely depend on.

It is only the pure monetary aspect of optimal yield that suggests that the Amendment 80 fleet should not be subject to stricter bycatch limits. The western Canadian trawl fleet successfully reduced their own bycatch by 85% in one year while managing to catch their entire quota, however. Was this more costly for the trawl fleet? Yes, but Alaskans have always recognized that good management costs money. The directed fishery has paid out all that they can. It’s time for the trawl fleet to also contribute to reasonable management of halibut stocks.

The North Pacific Council is the only body with the authority to correct the imbalance in halibut harvesting. It is deplorable that up to seven times more halibut are discarded as waste than are landed and brought to market by the directed fishery. It is even more deplorable that the coastal communities depending on a healthy stock of halibut are being sacrificed in exchange for economic padding for a wasteful and indiscriminate fishery. We urge the Council to reduce bycatch quotas by 50%. The balance needs to be shifted.

Sincerely,

Sitka Conservation Society

**Subject:** C2 Bering Sea Halibut PSC  
**From:** Darius Kasprzak <kas\_dar@yahoo.com>  
**Date:** 5/26/2015 3:01 PM  
**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

Chairman Hull and Council Members,

My name is Darius Kasprzak, and I have fished halibut in the GOA for the past three decades in both the commercial longline and subsistence fisheries.

I have also participated in GOA trawl fisheries, and know all too well how adequate halibut PSC allowances are necessary to to keep groundfish trawl harvesters fully operational throughout the seasons.

Nevertheless, I find it unconscionable that the fixed gear halibut fleets throughout Alaska and continental Pacific Northwest have been required to subsidize trawl fleets (especially the amendment 80 fleet) in regards to non- fluctuating halibut PSC allowances, even as their own IFQ harvests have drastically been cut over the past decade due to severely declining halibut biomass.

Please reduce the halibut PSC level available to Bering Sea trawl fleet by no less than 50%.

Thank you for addressing this concern in a meaningful manner.

Sincerely,

Darius Kasprzak

## *ProFish-n-Sea Charters*

Zernia Enterprises, Inc.  
P.O. Box 693  
Seward, Alaska 99664  
(907) 224-5122

May 26, 2015

North Pacific Fisheries Management Council  
605 West 4<sup>th</sup> Ave, Suite 306  
Anchorage, AK 99501

Re: C2 – Bering Sea Halibut PSC Final Action

Chairman Dan Hull:

I am writing to ask you to take meaningful action and reduce the Halibut PSC in the Bering Sea trawl fleet by 50%.

Due to a declining halibut biomass, the directed IFQ halibut fishermen have taken substantial cuts to their quotas in the last several years. Charter halibut operators have seen the imposition of the Catch Share Plan followed by restrictive bag limits to stay within their reduced allocation. These sectors have taken substantial cuts to protect the halibut resource yet the PSC for Halibut in the Bering Sea has not changed in response to declining halibut stocks. Trawls kill many very small halibut and the numbers of individual fish killed to achieve the PSC is astounding, millions of fish per year. These fish, if given the chance to survive, would migrate into the Gulf of Alaska and have a positive effect on coastal communities statewide. These communities are relying on you to protect the halibut resource on which they survive.

Please show Alaskans that our communities and our resources come before large fishing corporations. Act now to protect our valuable halibut resource and reduce the Halibut PSC for Bering Sea trawlers by 50%.

Thank you for this opportunity to comment on this important issue.

Sincerely,

Steven R. Zernia  
Zernia Enterprises, Inc.

**Subject:** C2 Halibut PSC  
**From:** cherylboehland@gmail.com  
**Date:** 5/26/2015 3:07 PM  
**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

Dear Council Members,

"Sustainability is defined in many ways but at its core it is an engagement in practices that keep the environment healthy and food production economically and socially viable". For over 20 years the Trawl fleet has been allowed to engage in destructive fishing practices that have resulted in an unbelievable amount of WASTE of a FOOD resource through the wide open door of allowing by-catch to be thrown overboard. Also squeezing through that wide open door is the allocation issue, take from this fishery and give to that fishery, thus rewarding bad fishing practices. The Trawl Fleets new mantra "give us the tools and we will do better". Through the Councils past actions the "tools" the trawl fleet were given was an open ticket to wanton waste and increasing by-catch levels. Is this what the Council is striving for, the waste of a public resource and the redistribution of economic viability within a fishery? It is shameful what is happening with this by-catch issue. Even more alarming from the Council (past and present) is the lack of attention on the sustainability of Alaska's Fisheries, keeping them healthy for future generations. The trawl fleet needs a kick in the stern to "do better" when addressing the by-catch. I ask that you reduce the trawl fleet by-catch levels. Enough is enough, the waste alone is obscene for this day and age. I am embarrassed that in America we actually encourage this kind food waste through policy.

Cheryl Boehland, 39 year resident of Alaska, of those 20 years as a resident of Kodiak Alaska.

## *Captain Jack's Seafood Locker*

Zernia Enterprises Inc.  
P.O. Box 693  
Seward, Alaska 99664

May 26, 2015

North Pacific Fisheries Management Council

Re: C2 - Halibut PSC in Bering Sea Trawl Fleet

Chairman Dan Hull,

My name is Elle Zernia. I live in Seward, Alaska and I make my living owning a seafood market and a sport-fishing charter service.

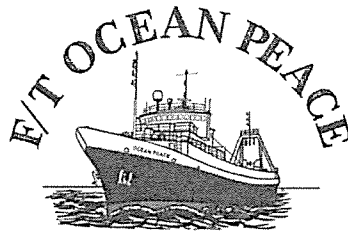
As a person who depends on healthy fish stocks for both my commercial and sport-fishing companies, and a person interested in being environmentally responsible, I am very concerned about the high level of by-catch of halibut in the Bering Sea.

Throwing away, dead, any natural resource is not globally responsible in these times. The current "by catch" caught by trawlers in the Bering Sea is unacceptable. This particular user group NEEDS to be required to "refine" their methods to reduce waste. The amount of juvenile halibut that are not having the opportunity to mature and repopulate our coastal waters effects all users (commercial and sport fisheries) to the benefit of only one (Bering Sea trawl fleet).

I have seen longline fishermen over the years be allowed to harvest less and less. I also have personally experienced the limiting of the resource for charter users. Both of these groups have shouldered the responsibilities of conservation, while others have not been required to do the same. Conservation is EVERYONES responsibility and it's time the trawl industry be held accountable for their wastefulness.

Please show Alaskans and small fishing families in this great state that you care about their resource and take significant action. Please act to reduce the Bering Sea By-catch of halibut by 50%.

Regards,  
Elle Zernia  
Zernia Enterprises Inc.  
907-362-1353 cell



4201 21<sup>st</sup> Avenue West Seattle, WA 98199  
(206) 282 6100 ph (206) 282 6103 fax

May 26, 2015

Mr. Dan Hull  
Chairman, North Pacific Fishery Management Council  
605 W. 4th Ave., Suite 306  
Anchorage, AK 99501

Submitted to: [npfmc.comments@noaa.gov](mailto:npfmc.comments@noaa.gov)

Subject: C2 Revise BSAI Halibut PSC Catch Limits

Dear Chairman Hull,

Ocean Peace, Inc. owns and operates two catcher/processors in the Amendment 80 (A80) sector: the *F/T Ocean Peace* and *F/T Seafisher*. Our company employed over 275 individuals and completed a total of 50 fishing trips in 2014. That's 50 port calls throughout Alaska for supplies and services spread out over the calendar year. A large fraction of this economic activity is at risk unless the Council uses its collective wisdom and some discretion when it takes action on the BSAI halibut PSC limits next week.

In most years we begin fishing on January 20<sup>th</sup> and we conclude fishing activity sometime in November. The balance of the year is spent on maintenance and upgrades in either Seattle or Dutch Harbor. The list of vendors who support our year-round operation easily numbers into the hundreds so it is not just our company or our employees who will be harmed if the Council puts in place anything more than a small cut at the lower end of the scale being considered. This is a far-reaching action that has the potential to negatively impact thousands of people throughout the northwest and Alaska and there is zero potential these losses will be offset by the marginal gains in the directed halibut fishery.

When the Council rationalized our sector it came with reduced PSC limits, but also with a suite of tools that were not previously available. Under the new program we did not have to race for fish and this empowered our sector to make logical decisions about when and where to fish. It also afforded us more opportunity to work cooperatively on gear and other research that has greatly increased our ability to fish responsibly. Since implementation, our sector has reduced halibut bycatch from 2,645 mt ('98 – '04 average of A80 qualifying years) to 2,073 mt ('12 – '14 average). This is nearly a 22% reduction that we have been able to achieve. Now the Council is considering up to a 50% reduction on top of this, but there are no new tools being offered to any sector under this action. This is not reasonable and is not something that can simply be absorbed or adapted to.

We have made significant strides in lowering our halibut bycatch and we are committed to limiting halibut bycatch in the areas of most concern (IPHC Areas 4cde), but whatever action the Council takes it must be practicable. It is also important that the Council recognize that under the IPHC process it is our performance that counts, not the level of the cut. Stated another way, the IPHC does not look at the halibut cap when making their decisions, it looks at actual halibut bycatch and we have demonstrated a willingness to work towards reducing halibut bycatch.

We are proud to be members of the A80 sector and we are equally proud of all the accomplishments we have made relative to halibut bycatch. This sector tackles issues head on and voluntarily implemented measures that resulted in increases for the directed halibut fishery this year. We continue to work in good faith to reduce halibut bycatch and mortality and I ask that you consider our track history when you make your decision on halibut PSC limits next week. Our employees and the vendors we support are depending on it.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd M. Loomis". The signature is written in a cursive, slightly slanted style.

Todd M. Loomis  
Ocean Peace, Inc.



**Subject:** C2 Bering Sea Halibut PSC  
**From:** Lares a Syverson <gee26@hotmail.com>  
**Date:** 5/26/2015 3:14 PM  
**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

Dear Chairman Hull,

Aang aang, hello. I am a long time Unangan resident of Unalaska and I would like to see our Halibut fishery thrive once again. We are losing a significant amount of young halibut with Bycatch and have been for too long. Many people who have lived here and been the back bone of our community say that the fisheries are not being properly managed. Unalaska has been a number one fishing port in the United States and we should be proud of that; we should be doing as much as we can to respect this amazing resource and secure a consistent economy. Please take my input seriously and approve a reduction of the Bycatch limit to 50%.

Sincerely,  
Laresa H. Syverson

Sent from my iPad



May 25, 2015

North Pacific Fishery Management Council  
605 west 4<sup>th</sup> Street, Suite 306  
Anchorage, Alaska 99501

Re: Agenda C-2 Bering Sea Halibut PSC

Dear Chairman Dan Hull,

On behalf of the Qawalangin Tribe of Unalaska, we hereby request your action to lower halibut by-catch limits at the upcoming North Pacific Fishery Management Council meeting this June 2015.

The Qawalangin Tribe of Unalaska is a federally recognized tribe and the Qawalangin Tribal Council is the sovereign government for the Unangan Community of Unalaska, the original inhabitants of this Aleutian Bering Sea Island coastal community. As a sovereign nation, we strive to ensure, strengthen political sovereignty, economic self-sufficiency, and most importantly - the continued protection of cultural practices in our region.

With consideration to the need to conserve, we urge you to take action as soon as possible to lower halibut by-catch limits where our subsistence resources are being affected within the Bering Sea Aleutian Islands. It has been shown by the groundfish fisheries practices that currently, the taking of juvenile halibut threatens the halibut subsistence fishery and tribal subsistence users of this region. To ensure protection of this vital resource for future generations, we trust that the North Pacific Fishery Management Council to make sound management decision to lower the bycatch limits of halibut by 50%.

As we move forward, we ask the North Pacific Management Council to carefully consider this matter. We thank you for your time. If there are questions or concerns, please do not hesitate to contact us at any time at our Tribal Office (907) 581-2920.

Sincerely,

A handwritten signature in black ink that reads "Thomas C. Robinson". The signature is written in a cursive style.

Thomas Robinson  
Tribal President

To: North Pacific Fishery Management Council

From: Dana Reid  
Kodiak, Alaska

Subject: Halibut Bycatch

Date: May 25, 2015

I have fished halibut commercially since 1985. I was not a proponent of the IFQ system, but I had to accept it and work with it. Now, my fishing quota has been reduced by almost seventy percent. I believe this correlates directly with the excessive bycatch of the trawl fishery. The trawlers continue to waste millions of pounds of halibut as bycatch with little or no reduction required. If the trawlers are allowed to continue their current levels of halibut bycatch, the halibut IFQ fishery may be decimated to the point that there will be no directed commercial halibut fishery. Is that the NPFMC's intent?

To coastal communities, the halibut IFQ fishery is every bit as valuable a fishery as the trawl fisheries in the Bering Sea. To disregard the halibut IFQ fishermen and let their fishery sink, in order to preserve a wasteful bycatch management system for the trawlers, is a crime. It is 2015, and the NPFMC should care about wasting ocean resources.

The NPFMC designed the halibut IFQ fishery. Isn't there some responsibility on their part to make an effort to keep the halibut IFQ fishery viable? If the NPFMC allows the massive trawler bycatch to continue as it has over the past twenty years, they are saying halibut is a resource we can throw away. They are saying that halibut is not an important part of the ecosystem in the ocean.

Trawlers can say their bycatch is minuscule compared to their targeted species, but it still adds up to MILLIONS of pounds of halibut that is WASTED. They can say they've done all kinds of things to mitigate the damage, but unless they are required to stop killing millions of pounds of halibut, they won't do it. They are not going to do more than they have to.

The trawlers may not be proponents of lowering their bycatch, but if they are required to reduce their bycatch they will accept it and work with it the same way halibut fishermen had to with IFQs. Why not try reducing the bycatch for a few years and see if someone comes up with a better technique for avoiding the mass killing of halibut? Fishermen are innovative. The trawlers are smart enough to figure out how to catch their targeted species without destroying millions of pounds of halibut.

## APIA's Halibut Bycatch Testimony for NPFMC in Sitka, June 2015

As per April 2015 Board directive, APIA staff will attend the NPFMC meeting to provide testimony before the Council takes final action on the Halibut PSC issue. Here is the testimony.

Thank you, Chair Hull. Good \_\_\_\_\_, Council Members. I am Karen Pletnikoff, the Community Environment and Safety Manager for the Aleutian Pribilof Islands Association. APIA is the regional Alaska Native non-profit consortium for the 13 Aleut Tribes; however, I am only speaking for APIA. The Unangan, or Aleut people, have utilized and depended on chugix, or halibut for thousands of years. Even today, we celebrate this customary and traditional food source through cultural practices. Due to the high costs of store foods throughout the region, halibut is an essential and healthy part of the modern Aleut diet.

The APIA Board of Directors has sent testimony to this Council for the second time, emphasizing how critical this issue is to our diverse region. From Nelson Lagoon on the Alaska Peninsula, out the Aleutian Chain to Atka, and up to the Pribilof Islands, we fish all gear types and sectors, where local directed fisheries provide the greatest benefits. Local fisheries create jobs beyond those fishing, critical community investments including infrastructure, and economic opportunities such as IFQ quotas. Unfortunately, PSC allocation off the top of the quota, static PSC caps and reliance on voluntary reductions have left many IFQ holders on the beach. While directed halibut fisheries continue to be reduced, the largest bycatch users continue to throw away what would be the recruitment classes.

The value of the halibut resource has long been recognized, with the 1924 convention ratification creating what is now the International Pacific Halibut Commission. And halibut is valuable to not only the regional directed fishers, but to the nation, all American citizens that would want to catch a halibut on a once in a lifetime Alaskan vacation, and our Canadian neighbors. IPHC data shows out migration of halibut from the Bering Sea nursery areas to the Gulf of Alaska, the North Pacific, Southeast Alaska, and as far as Washington and Oregon. Over these last decades under a policy, not regulation, of increasing the proportion of the quota allocated to waste, the lost fish, jobs and dollars are not adequately accounted for. The NEPA process requires this larger perspective on values beyond a simple per pound economic comparison of sectors by

limited regulatory areas. Fortunately, this Council can take immediate final action reducing the PSC caps.

While it is truly a conservation issue to allocate most of the exploitable biomass to discard, let's consider the allocation impacts of the current PSC caps. This body has used simple user conflicts to justify reductions in PSC. In the final Environmental Assessment/RIR/IRFA to reduce Gulf of Alaska Halibut PSC Limits, both the Council and staff noted the reduction objective, "because of their potential effect on directed commercial IFQ, charter, unguided, and subsistence fisheries." In that analysis, this Council phased in reductions resulting in a 15% lower PSC limit. For the analysis before us today, the listed goals are; minimize bycatch to the extent practicable, potentially provide additional harvest opportunities in the directed halibut fishery, and help improve halibut stock conditions. User conflicts are not a listed consideration in the analysis before us. If simple user conflicts result in a 15% reduction of PSC, the improvement of stock condition should warrant a significantly greater reduction. One item to note on improving stock conditions is that IPHC data identifies flatfish comprising portions of the halibut diet in every age class. Data from 2005 to 2007 indicated that unidentified flatfish was the most common prey in Bering Sea halibut stomachs.

In the foreseeable future, neither this or any other body will be able to manage our resources to account for ocean acidification, warming waters, changes in sea ice edge timing and persistence or the resulting reductions in primary productivity. We manage for take, but for decades, some sectors have been taking, and wasting, more than their fair share. This Council's immediate action to reduce the halibut PSC is required to improve stock conditions, and most importantly to meet and balance MSA standards. How greatly you reduce this waste reflects the conservation leadership for which this Council is renowned.

I thank you very much for your consideration and can take any questions.



1661 Mission Street, San Francisco, CA 94103  
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1-800-326-0959 • www.greenpeaceusa.org

May 26, 2014

Mr. Dan Hull, Chairman  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Ave, Suite 306  
Anchorage, AK 99501-2252

**RE: C2 – Bering Sea Halibut PSC – Final Action**

Dear Chairman Hull and members of the Council,

We appreciate the opportunity to provide comment on the issue of halibut bycatch reduction, or PSC. Greenpeace represents public stakeholders, for whom these ocean resources are managed. These stakeholders, as well as those companies and fishermen, commercial, subsistence and recreational who are directly impacted by this issue, have a reasonable expectation for the Council to meet its mandate to minimize halibut bycatch to the extent practicable, as well as the mortality of bycatch. We urge the Council to reduce halibut bycatch limits to maintain this important resource for jobs and communities, for the ecosystem, and for all those who enjoy eating halibut.

We commend the fisheries that have implemented voluntary bycatch reductions with some success, and much more action is needed to address the crisis of a fast dwindling halibut stock. The BSAI groundfish fisheries killed and wasted seven times more halibut (individual fish) last year than were landed by the directed fishery in the same area. This inequity must be rectified for the sake of many users and consumers, all recipients of the bounty of the Bering Sea ecosystem, which we expect the Council to safeguard on our behalf.

Sustainable fisheries require that all sectors conserve during times of low abundance, and the Council has an important opportunity to restore balance here. Other than salmon, Halibut are the species most landed by small boats and those users have born an inordinate amount of the impact of the halibut crisis to date. It is not acceptable for the halibut resource to become depleted as it has over the past 15 years, to the point that small boat, community and subsistence fishermen, and charter operators are having their livelihoods threatened – due to severe reductions in quota – while trawl bycatch caps have not been reduced in a meaningful way in two decades. This may be a key reason as to why bycatch caps are not being hit and, arguably, are not set appropriately to conserve the resource effectively. Bycatch reductions are needed to an extent that they will result in the conservation of the resource, rather than just the symbolic gesture of setting a cap that has never been reached by the fleet.

Halibut bycatch is very much a conservation issue, and not just an allocative issue, which impacts many people and regions. The migratory patterns of juvenile halibut are known to bring 70-90% of fish under 26 inches south of the Bering Sea, to the Gulf of Alaska, Canada and west

June 2015

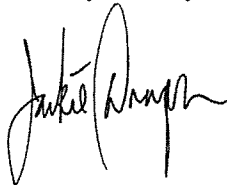
coast waters down to California. The majority of halibut killed in trawls are juvenile fish, less than 26 inches in length. These individuals are the very fish most needed to sustain the resource. If allowed to grow to maturity they would ultimately increase the spawning biomass, becoming both a future spawning component and distribution component of the fishery. Efforts to save more juveniles will ultimately build the resource for everyone, benefiting many stakeholders from the directed fisheries, to the halibut charter industry and the tourist economy of AK, to the retailers and consumers at the end of the line.

From a resource conservation perspective, the current level of bycatch and waste of the halibut resource is unacceptable. We do not have an adequate understanding of the ecosystem impact of this scale of bycatch when coupled with a severely reduced halibut biomass. More may be at stake than we currently understand. We are risking the future of the halibut stock, and potentially other fisheries as well.

We have good examples from other regions demonstrating the ability to achieve extreme halibut bycatch reductions while also maintaining fisheries at current harvest levels. We expect Alaska fisheries to be the pinnacle of resource management, and this is an area where the Council should demonstrate that leadership. We encourage the Council to employ your Ecosystem Approach policy to achieve your "stewardship responsibility for these resources, their productivity and their sustainability for future generations." To that end your Vision Statement rightly recognizes the importance maintaining healthy, productive, biodiverse, resilient ecosystems to mitigate the threats such as this.

For the reasons stated we respectfully urge the Council to reduce BSAI halibut bycatch caps by at least 50%. Additionally, we urge the SSC and the Council to review the available science on halibut spawning areas and consider other measures, above and beyond reducing halibut PSC limits, to support the sustainable management of halibut, as an important component of the Bering Sea ecosystem.

Thank you for your consideration of these comments.



Jackie Dragon  
Greenpeace

**Subject:** C-2 BSAI HALIBUT

**From:** Laurie Mastrella <l\_mastrella@yahoo.com>

**Date:** 5/26/2015 3:44 PM

**To:** NPFMC Comments - NOAA Service Account <npfmc.comments@noaa.gov>

I'm writing to urge you to reduce BSAI halibut bycatch caps by at least 50%.

The amount of halibut wasted as bycatch in the trawl fisheries is sickening.

Our family lost over 75% of our income to halibut quota reductions. This came at a time when we had kids graduating from high school and entering college. Calling it a hardship is an understatement. Knowing the trawl fleet has not had a significant bycatch reduction in 20 years makes it that much more painful. How about a 75% bycatch reduction?

My partner has been halibut fishing since 1973, myself since 1990. We've raised five kids in Alaska on commercial fishing boats; four are still living in Alaska and still fishing themselves. We would like to believe young people can have a future in the halibut fishery, and that they will be able to feed their own kids on this wonderful, iconic Alaska fish.

It's beyond time for the trawl fleet to share responsibility for conservation. We've done our part.

Thank you,

Laurie Mastrella

Marty Remund

F/V Teasha

Port Alexander, AK





175 South Franklin Street, Suite 418  
Juneau, Alaska 99801 USA

+907.586.4050  
OCEANA.ORG

May 26, 2015

Mr. Dan Hull, Chair  
North Pacific Fishery Management Council  
605 W. Fourth Avenue, Suite 306  
Anchorage, AK 99501-2252

Dr. Jim Balsiger, Regional Administrator  
NOAA Fisheries, Alaska Region  
709 West Ninth Street  
Juneau, AK 99802-1668

**Re: Agenda Item C-2 Bering Sea Aleutian Islands (BSAI) Halibut PSC Limit Public Review Draft**

Dear Mr. Hull, Dr. Balsiger, and Council members:

The North Pacific Fishery Management Council (NPFMC) and National Marine Fisheries Service (NMFS) must take action to reduce Pacific halibut bycatch in the Bering Sea/Aleutian Island (BSAI) groundfish fisheries. Action to lower the Bering Sea/Aleutian Islands prohibited species halibut cap significantly is needed to account for changes in biological, social, and economic factors and to ensure that the Council and agency meet their legal and ethical obligations.

In the last 10 years (2004-2013), approximately 82 million pounds of halibut have been killed as bycatch in the federal groundfish fisheries in the Bering Sea.<sup>1</sup> By any measure, that is too much bycatch. While there is plenty of blame to share for this waste, we commend the groundfish fishery sectors that regularly catch less than their allocated halibut bycatch limit. Further, we commend the fishing companies, cooperatives, and individual vessels—including the Freezer Longliner Coalition, Pollock Conservation Cooperative, and Amendment 80 Alaska Seafood Cooperative (for the second half of 2014)— that helped meet the voluntary 10% halibut mortality reduction target requested by the Council in June 2014. Finally, we commend all the entities who pledged to continue that reduction target for 2015 and especially those who have pledged to exceed it.

Even with the voluntary reductions by those entities, however, overall halibut mortality from the groundfish fishery remained unchanged from recent averages (Table 3.17). Greater incentives to reduce bycatch clearly are needed.

NMFS's obligations under the law are clear. The Magnuson-Stevens Fishery Management and Conservation Act (MSA) explicitly requires that NMFS "to the extent practicable and in the following priority: (A) minimize bycatch; and (B) minimize the mortality of bycatch which cannot be avoided." 16 U.S.C. §1853(a)(11). This requirement is reinforced in National Standard 9, with which all Fishery Management Plans must be consistent. *See id.* § 1851(a)(9) (reiterating the requirement to minimize bycatch to the extent practicable). When it added these provisions to the Act, Congress was very clear that its intent was to halt the "shameful waste" occurring in the nation's fisheries. 142 Cong. Rec. S10,794, at 10,820 (1996).

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<sup>1</sup> Data from prohibited species catch reports, available at <https://alaskafisheries.noaa.gov/2013/2013.htm>  
Total PSC halibut mortality from 2004-2013 in BSAI NMFS statistical areas



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Nowhere does the statute suggest that catch can be prioritized over bycatch minimization measures that are otherwise feasible. Instead, the Act is conservation focused, and conservation standards should be prioritized when applying the National Standards. *See Natural Res. Def. Council, Inc. v. NMFS*, 421 F.3d 872, 879 (9th Cir. 2005) (“The purpose of the Act is clearly to give conservation of fisheries priority over short-term economic interests.”); *Natural Res. Def. Council, Inc. v. Daley*, 209 F.3d 747, 753 (D.C. Cir. 2000) (NMFS “must give priority to conservation measures. It is only when two different plans achieve similar conservation measures that the Service takes into consideration adverse economic consequences.”). More specifically, the MSA requires that Optimum Yield calculations take into account “food production and recreational opportunities,” “protection of marine ecosystems,” and “any relevant social, economic, or ecological factor.” 16 U.S.C. § 1802(33). National Standards 1 and 9 require that necessary and practicable bycatch measures must be implemented, even if that results in lowering OY.

Further, the National Standards prioritize beneficial uses of halibut as viewed throughout the entire range of the species. *See, e.g.*, 16 U.S.C. §§ 1851(a)(3) (management throughout range), 1851(a)(9) (minimize bycatch); 16 U.S.C. § 1802(33) (interpreting Standard 1 to provide greatest benefit, “particularly with respect to food production and recreational opportunities”). Thus, in addition to Optimum Yield for the fisheries in which halibut is bycatch, NMFS must consider the OY for halibut as a target species. Each pound of avoided halibut bycatch could result in additional catch in the local commercial and recreational halibut fishery, as well as beneficial downstream economic impacts due to taking less halibut.

The fact that halibut bycatch in the groundfish fishery used to be much worse is not a reason to avoid taking action now. In the 1970s and ‘80s, the NPFMC and NMFS increased restrictions on foreign trawlers with the intention of reducing the incidental bycatch of halibut and other species.<sup>2</sup> Fishery Management Plan amendments were implemented to encourage longlining over trawling, citing the selective nature of longline gear and the reduction of incidental catch.<sup>3</sup> When hard caps for halibut bycatch were first considered as a management tool, the trawl fleets were allocated small amounts of halibut. It is time to take a hard look at reducing and reallocating halibut bycatch within the groundfish fleet. Allocating halibut bycatch for cod trawling, for example, is particularly questionable when cleaner methods of catching cod (longline and pots) are feasible.

The groundfish fleets have a series of tools that could be used to adapt to lower halibut prohibited species caps. For example, the ‘Flatfish Specifications Flexibility’ implemented in 2015 will allow the Amendment 80 and CDQ cooperatives to exchange quota share between yellowhead sole, rock sole, and flathead sole targets. This flexibility should allow the Amendment 80 fleet to selectively target the flatfish species with the lowest rates of halibut bycatch mortality.

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<sup>2</sup> NPFMC. 2004. Amendments to the Fishery Management Plan for Gulf of Alaska Groundfish Fishery. Appendix D, Final Programmatic SEIS.

<sup>3</sup> NPFMC. 2004. Amendments to the Fishery Management Plan for Gulf of Alaska Groundfish Fishery. Appendix D, Final Programmatic SEIS. GOA FMP Amendment 3.



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Further, while market conditions can result in significant (up to 30%) changes in the value of fish from year to year, flatfish are consistently have the lowest value per ton of all harvested groundfish. It is possible that lower harvest of flatfish, which would decrease supply to the market, might actually increase demand and, therefore, revenue per ton. This may be particularly true for yellowfin sole, which is caught commercially only in Alaska.

Finally, the Council should consider spatial management measures, including habitat closures and area-specific bycatch limits, in order to reduce halibut bycatch, protect juvenile halibut, and prevent localized depletion. NMFS statistical area 509, for example, has the highest halibut bycatch in the Bering Sea. It is closed to directed halibut fishing by the International Pacific Halibut Commission to protect juvenile halibut and has been closed by the NFPMC to foreign trawling in the past because of bycatch concerns. This area is a prime candidate for additional conservation action.

We strongly encourage the Council to reduce the halibut bycatch cap and to implement management measures that reduce bycatch and are responsive to spatial concerns and trends in the halibut population. We look forward to continuing to work with you toward healthy, sustainable fisheries that include measures to count, cap, and control wasteful bycatch.

Sincerely,

Jon Warrenchuk,  
Senior Scientist and Campaign Manager,  
Oceana

# HALIBUT ASSOCIATION OF NORTH AMERICA

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May 26, 2015

Dan Hull, Chairman  
North Pacific Fishery Management Council  
605 West 4th Avenue, Suite 306  
Anchorage, AK 99501-2252

Re: C-2 Final Action - BSAI Halibut PSC limits

Dear Chairman Hull and Council Members,

The Halibut Association of North America represents U.S. and Canadian processors of Pacific halibut. Established in 1961, HANA today is made up of companies that buy more than three-quarters of all Pacific halibut landed commercially. HANA members also buy and process other Alaskan species, including Bering Sea P-cod and flatfish.

### Background

Our members are well-aware of the challenges of reducing the long-term halibut bycatch caps, and the possibility that it would reduce directed catch.

Indeed, they have seen their own production of halibut diminish year after year since 2002 when landings were 75 million pounds, more than four times what they are today. Taking a long view during difficult times like this is not only reassuring, it's instructive.

The halibut industry has been around for more than 125 years. Through two world wars and a decade of foreign fishing, when landings dropped below where they are today. The halibut industry has long held that science-based management, a precautionary approach, and tightening their own belts would allow the resource to rebuild.

We are now faced with a slow-growth phenomenon, the lowest recruitment in 20 years, and sustained pressure on the largest aggregation of juvenile halibut in the range of *Hippoglossus stenolepis*.

*Not an allocation issue*

Despite the concerns outlined above, scientists cannot term this a conservation issue because they can account for all removals each year, and there is a 90% chance that the stock is above the 30% relative spawning biomass harvest policy threshold. For those who consider this a conservation issue, the concern is the dynamic nature of the stock status, how close we are to 30%, and how deep and wide the pool of uncertainty is about what happens next. If this is not a conservation issue, it is only not one yet.

Even louder voices have termed this an “allocative” issue, saying that a reduction in actual halibut bycatch one year would mean an increase in catch limits for the directed fleet the next year. There has been a tremendous amount of research, analysis, and discussion based on this assumption.

Despite all the heated discussion, the decision before you is not an allocative decision. There is no equivalency or quid pro quo argument. Those arguments you’re hearing are hopeful, speculative, or out of context. The Council could reduce bycatch caps significantly this year and those “savings” could result in a lower number taken off the top for area catch limits in 2016 or 2017, but that still does not guarantee higher catch limits.

We bring this to your attention to point out that this decision — and subsequent actions on halibut bycatch — cannot be divided into discrete exchanges or simplified down to arguments of whose fish are more valuable.

To manage halibut bycatch in Area 4 to the standards set by both this Council and the IPHC, will be difficult and complex. It will take a collective will to succeed using shared data and research, agreeing on priorities, and leadership from Council members and Commissioners to execute a plan. That’s the long game, and if it had been started years ago the action before you would be much easier.

We encourage you to consider all the moving parts of setting halibut catch limits. Annual data on landings and surveys from all regulatory areas — two countries, four states, and a province — are analyzed. Survey and commercial weight per unit effort, size at age, sex and age ratios, spacial and temporal distribution by area and coastwide, and evidence of recruitment are among those data sets we know and can compare over long term.

There are sources of uncertainty within these data sets, and the annual stock assessment now includes a discussion of them, which is helpful for Commissioners before whom the buck stops, on catch limits and other management decisions.

But there are also sources of uncertainty from data sets we don't have. Ian Stewart and Steven Martell candidly point this out in IPHC's Report of Assessment and Research Activities (RARA) 2014. They include:

- \* spacial structure of the assessment model... particularly the distribution of recruitment (juvenile halibut), and their subsequent movement rates among regulatory areas as sub-legal and legal-sized fish.
- \* the sex-ratio of the commercial catch
- \* the link between halibut recruitment strengths and environmental conditions, due to the substantial lag between birth year and direct observation in the fishery and survey data (6-10 years.)
- \* bycatch estimation (direct sampling variance where there is low coverage and representativeness for unobserved fishing activity)
- \* discard mortality rates, which in some cases are based in antiquity and need updating.

The IPHC has launched research to gather this data via pilot programs, major work on an assessment model that reflects dynamics in each area, and primary research. Key to unlocking much of this will be even more routine and frequent information sharing among various NMFS offices and the IPHC staff.

HANA encourages the Council to take the long view when considering the impacts of bycatch on this 125-year-old fishery. The fishery was here long before the industrialized fleet in the Bering Sea, longer still before the Council itself.

It survived much during that time, but there was very little fishing (or bycatch) in the Bering Sea, home to the largest nursery grounds in the north Pacific, until the foreign fleets came in the late 1960s. Average annual bycatch since 1970 has been a consistent 6 million net pounds per year.

Now we are seeing, for the second time in the history of the fishery, size at age diminishing to less than half what it was in 1975. Average weight per unit of effort is half what it was in the mid-1980's, when J-hooks were outlawed and the more efficient circle hooks began to be used. Today's WPUE is on par with averages from 1931 to 1984. And the most important challenge: no evidence of recruitment, despite a massive showing of 2- and 3-year-old fish in the 2006, 2007, and 2008 NMFS trawl survey.

"Allocation" means sharing a portion of a whole, in this case shifting an amount from one user group to another. There is no equivalency argument with halibut bycatch. The strongest proof is in the Council's own purpose and need statement from June 8, 2014. In part, the Council noted:

“...the current low status and continued declines in the halibut resource require immediate action by the council and industry. Additional regulatory measures to avoid halibut, and further minimize halibut bycatch mortality would help to improve halibut stock conditions, could provide additional harvest opportunities in the directed halibut fishery, and be consistent with objectives under National Standard 9.”

The primary purpose of the action to reduce halibut mortality “would help improve halibut stock conditions”. A certainty, “would” is. The secondary purpose is introduced with “could provide additional...”, a conditional phrase. There are many “ifs” between reducing bycatch and allocating higher catch limits to the directed fishery.

What would be accomplished by making meaningful cuts to the halibut bycatch caps? By “meaningful” we mean cuts to the caps that would require lower actual bycatch levels, something the Amendment 80 fleet has found, in experimental projects going back to 1995, within their abilities to accomplish.

Achieving lower bycatch would mean achieving reduced risks of the uncertainties listed above. As long as there is a steady pressure on the juvenile year classes, there will be increasing risk of no future recruitment into the fishery. The most direct link between reduced bycatch and the overall stock health would be less mortality of underage fish.

Using the Amendment 80’s own research, the caps could be cut by a level reflective of the savings from deck sorting and amended fishing behavior, in addition to some of the PSC quota that is left in the water. The pain for the bottom trawl fleet would be less halibut PSC to trade at the end of the season, and less of a buffer to operate under.

We have faith that a level can be found where they will be able to continue making a living. We have less faith that the opportunity to make a living will be available to the Bering Sea halibut fleet in the coming years.

Thank you for the opportunity to comment and for your time reading and listening to our testimony.

Sincerely,



Peggy Parker  
Executive Director

**Subject:** C-2 BSAI halibut  
**From:** Denise Middlesworth <dmidds@hotmail.com>  
**Date:** 5/26/2015 3:59 PM  
**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

To NPFMC,

I am writing in regard to the unfair by-catch allocated to the trawl fleet. While our commercial fishing quota has been in decline for the last several years, the trawl fleet has just been allowed to rape and pillage the fishery.

Many, many fishermen rely on the directed halibut fishery to make a living. By allowing the trawl fleet to continue to by- catch up to 7 times more than what is allocated to the directed fishery, these halibut fishermen are in peril of losing their ability to make a living for themselves and their families.

The trawl fleet should have their by-catch caps reduced by at least 50%. When the resource is in trouble, the only way to sustain it is for everyone to have their catch reduced. It is absurd to me that a non-directed fishery would have more quota than a directed fishery. Wow, how does that even happen?

All sectors must conserve during low abundance. Fair is fair. As such I urge you to cut the BSAI by-catch caps by 50%.

You must protect this resource for further generations of halibut fishermen, not trawl fishermen.

Sincerely,  
Denise Middlesworth  
Owner Ala-Ore Inc.  
Commercial fisherman





## HARRIS ELECTRIC, INC.

4020 23rd Avenue West • Seattle, WA 98199 • Ph.: 206-282-8080 • Fax: 206-284-5521

25 May 2015

**Mr. Dan Hull**

Chairman, North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Street, Suite 306  
Anchorage, AK 99501-2252

**Re: BSAI Halibut PSC Limit Reductions for the Amendment 80 Fleet**

Dear Mr. Hull:

My name is John G. Jackson, President and Owner of Harris Electric, Inc., doing business primarily in the State of Washington and the State of Alaska. My company provides marine electrical and electronic sales & service to a variety of fishing vessels, many of which are based out of Dutch Harbor, AK. For over three decades, Harris Electric has been a proud member of the business community in Dutch Harbor as our facility & personnel operate there year round. Harris Electric greatly values its customers and wishes to see them succeed. Their success is our success too as we depend on each other.

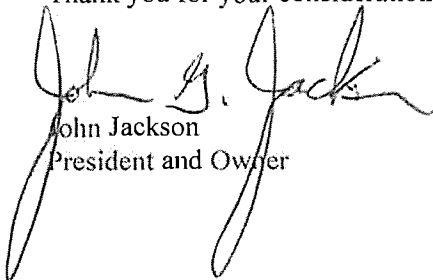
Our industry is small and we all know each other. Harris Electric relies heavily on companies like Fisherman's Finest or U.S Seafood's whom are honorable businesses, that care deeply for the environment and know all too well how crucial their roles are to keeping our industry healthy. My company makes sure that when their vessels (and many others) go to sea, their equipment works correctly, safely and reliably. Like I said before, we depend on each other.

It is my understanding that the North Pacific Fishery Management Council is deliberating over whether to cut the halibut prohibited species cap for the Amendment 80 sector and reallocating the halibut to another fleet of vessels. If this action is taken, the result will be a detrimental & negative impact to the Amendment 80 fleet, which will certainly negatively affect the maritime industry in Alaska and it will be felt all the way down here to Seattle and beyond. There is the fleet itself, and then all the economics of supporting that fleet. You could call it a negative, primary and secondary impact.

Prior to making a final decision, I urge you to consider the full ramifications of this proposed course of action; up to and including the negative effect that such a decision will have on companies such as mine as well as the customers, employees, and communities that depend upon the continued success of the Amendment 80 fleet.

Should you have any questions or concerns or desire to discuss this matter further, please do not hesitate to contact me.

Thank you for your consideration.



John Jackson  
President and Owner

**Subject:** Inquiry from npfmc.org website : "C-2BSAI halibut"

**From:** "TIM" <bestreekiller@msn.com>

**Date:** 5/26/2015 4:03 PM

**To:** <npfmc.comments@noaa.gov>

to All this may concern On the Council: My name is Tim O'Connor . I live and fish in Craig Alaska and have for 14 years. The Halibut and salmon Resources are a critical part of our community here in S.E. Alaska. My native wife and family have depended on this resource for 10,000 years and all here today do also. I own my own IFQ and fish this to support my self and my family. So I would like to urge the council to please reduce the BSAI halibut bycatch caps by at least 50%. We have seen the recent increase's in area 2C IFQ lbs to fishermen as a result of better management of the halibut resource hopefully this will continue and be helped by BSAI bycatch 50 % reductions. Thank you Tim O'Connor  
Craig AK. 99921

May 26, 2015

Dan Hull, Chairman  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Street  
Anchorage, AK 99501

Re: Agenda item C2 – BSAI Halibut PSC Limits

Dear Chairman Hull,

My name is Myron A. Melovidov. I live in and fish subsistence, CDQ, and IFQ halibut out of St. Paul Island, with my three sons on a small 32' aluminum boat. I have been commercial fishing for halibut since 1983 and have harvested subsistence halibut since 1970. I am an initial recipient of halibut IFQ and have purchased additional quota over the years – most of which has evaporated under the current scenario of declining halibut stocks and static halibut PSC limits.

Reallocation is the default setting under current halibut PSC management. With PSC limits at meaningless levels and not based on the health of the halibut resource, we have seen the proportionate use of halibut shift from the directed fishery to the groundfish fisheries. As halibut stocks have declined, IPHC has reduced the directed fishery catch limits as a necessary conservation response. Halibut PSC use has not been reduced. The directed halibut fishermen have taken the burden of conservation, alone. This has to change.

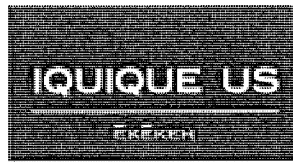
Halibut fishing is not only an important source of revenue for our family, but has irreplaceable social and cultural value. It is not just what we do, but who we are. Our Unangan (Aleut) people have utilized halibut as subsistence food for millennia. My father first started taking me subsistence fishing when I was 10 years old. My sons have been on deck, fishing with me, since they were 12 and 13 years old. The skills and values they have learned through fishing have positive carryover effects into the other work they do and into the community. Money earned from halibut fishing has put two of them through college, and the third is almost finished. They aspire to have their own fishing operations and teach their own sons and daughters.

All fishing operations in the community are similar, small-boat family operations and provide meaningful employment to the whole town. This halibut fishery has provided us a chance to make it out here, where opportunities are limited. But our future is uncertain. This father-son tradition is at risk of being eliminated. The plans to replace my 32 year-old boat have been put on hold, indefinitely. We don't even think about purchasing more IFQ. Under current halibut PSC management, there is no guarantee we will have a fishery in the future, even if halibut stocks recover. Is this right?

In closing, I respectfully ask that the Council do what is right – reduce BSAI halibut PSC limits by 50%. The survival of our community depends on it.

Sincerely,

Myron A. Melovidov  
FV Aleut Crusader



**F/T ARICA ■ F/T CAPE HORN ■ F/T REBECCA IRENE ■ F/T UNIMAK**

Tuesday, May 26, 2015

Dan Hull  
North Pacific Fishery Management Council, Chairman  
605 W. 4<sup>th</sup>, Suite 306  
Anchorage, AK 99501

Dear Chairman Hull,

I am writing on behalf of Iquique U.S. LLC ("IQQ") in connection with the halibut bycatch action scheduled on the June Council Agenda (Item C-2.)

IQQ owns and operates four Amendment 80 catcher processors in the BSAI multi-species groundfish fisheries. These four vessels are operated in compliance with the USCG Alternative Compliance rules which set forth rigorous standards for the condition, maintenance and safety of the vessels. IQQ holds Amendment 80 QS permits and the resulting cooperative quota shares are almost exclusively in the Bering Sea flatfish fisheries. IQQ has been one of the leading companies in the BSAI Amendment 80 fisheries in developing methods and practices to reduce halibut bycatch. These efforts include extensive work on gear modifications, with an Owner/Captain having developed the most effective and currently most widely used halibut excluders in use in non-pelagic trawls through trials and testing onboard IQQ owned vessels. Additionally, IQQ participated with multiple vessels in past exempted fishing permits ("EFPs") for testing halibut excluders, reducing seafloor impacts, and deck sorting using its own halibut PSC and groundfish quotas. All of IQQ's vessels will also participate again in the 2015 deck sorting EFP starting in June of this year. In the recent past, members of IQQ's management team were integral in developing alternative management measures such as flatfish flexibility to potentially better align Amendment 80 with MSA NS1 and NS9.

We are writing today to express our concerns over the likely impacts to our company and to the other companies in the Amendment 80 sector that would result from regulatory reductions of halibut prohibited species catch ("PSC"), impacts that would particularly devastating to companies such as IQQ that are more flatfish dependent. In order to better understand the potential likely impacts of PSC cap reductions it is critical to understand our annual vessel operating plans. Our fishery begins January targeting Yellowfin sole ("YFS") West of the Pribilof Islands which in some years presents very clean fishing along the ice edge but in more recent years has exhibited a lack of sea ice, reduced catches and higher halibut. Either concurrently or shortly thereafter, we begin the rock sole ("RS") fishery in the areas surrounding the Red King Crab Savings Area to the East. If it is a year without an ice edge to the West, RS can be the only viable target with concentrated fishing effort as the fleet works smaller discrete waves of fish through mid-March. Once the fish have spawned, RS stocks tend to disburse and are not seen in fishable aggregations again until August. The fleet then fishes YFS in the 509/513 area as the fishery transitions into shallower water through April

and May. Again, the nature of the fishery is characterized by smaller discreet areas of fishing with many vessels fishing together on small but viable aggregations of YFS. In mid-May YFS are found in the Togiak area for between 3-4 weeks of relatively clean YFS fishing while the fish are spawning. In some years, the fishery moves further North to Kuskokwim, but by June, the YFS have typically spawned and the meat condition is unacceptable for the marketplace until mid-late August.

On the subject of Togiak and other fishing areas with the lowest seasonal halibut bycatch rates, appendix B of the Analysis suggests in several places that effort could be seamlessly shifted from higher PSC to lower PSC rate fisheries/areas or times. While Togiak and in some years the areas off the Kuskokwim or Nunivak areas provide low bycatch rates, it is incorrect to assume these accommodate influxes of additional effort or similar low bycatch rates at times other than peak. For example, the Togiak area fishery for YFS is one of the cleanest halibut anywhere but it should be noted that it is a small geographic area and fishing is usually about one half peak production and subject to difficult CPUE with high fishing effort. It is unlikely that more fishing effort in Togiak will yield additional catches. Other areas, with seasonally low bycatch rates are similar to Togiak in that they could not accommodate a large increase in effort because the volume of YFS does not exist or it would not be economical. In some cases, the additional effort would simply have to spread to adjacent areas where the target species are not as aggregated or abundant and bycatch rates would not be as low as the model predicts.

The summer months following Togiak present the most challenging conditions for flatfish dependent companies which may spend short periods in the GOA fisheries but in general are working on arrowtooth flounder ("ATF") in June and July as well as Flathead sole ("FHS") and oflats. These fisheries provide essential diversification from the YFS and RS commodity markets and allow for continuous operations throughout the year which is a critical economic consideration for A80 operators. These fisheries are conducted along the Eastern Bering Sea shelf throughout summer and are characterized by lower CPUE, higher value catches and somewhat higher halibut bycatch. The Amendment 80 sector has invested heavily in the development of these fisheries and we feel we have developed the means to harvest these unallocated flatfish with as little halibut as possible. Without these fisheries, stocks such as ATF, would continue to increase and compete with other large components of the groundfish biomass such as Pollock and Cod.

By mid-late August, YFS flesh quality has recovered from spawning and they are again schooled up in aggregations which will support fishing effort. The fleet will typically begin to the East in the 509 area with a mix of YFS, RS and cod and move to the 509/513 line in late summer and fall with more predominant YFS catches which become more difficult in terms of catch rates and halibut PSC encounters from mid-November.

Ability to Adapt to PSC Reductions: Understanding this cycle of flatfish fishing is important in analyzing the impacts of any halibut PSC reduction and the anticipated and modeled reactions to any reductions. The analysis anticipates and models behavior of fishermen in several ways; so called perfect knowledge, frictionless movement of PSC and optimizing target-month combinations to reduce bycatch and increase revenue per mt of halibut<sup>1</sup>. Unfortunately, the predicted behavior, based on a data-driven model is unrealistic and largely fiction. As was mentioned in the case of Togiak above, these decisions are largely a product of where and when there are viable fishing aggregations and the spawn condition of the fish. In other words, there are only discreet times of year and areas where the target fisheries are available and these fisheries have inherent halibut encounter rates that vary year to year based on abundance, and environmental conditions such as ice edge and water temperatures. Effort cannot simply be increased with an assumed groundfish catch and the same relatively low halibut bycatch rates. The analysis wrongly

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<sup>1</sup> Section 4.8, pages 280 and 281

anticipates that the fleet could simply increase effort in the Togiak area because of the relatively clean fishing it provides<sup>2</sup>, but fails to reflect the limited or nonexistent potential to actually increase harvest in an area that is already constrained by time, geography, and CPUE. Additionally, it is suggested that reducing effort on arrowtooth flounder ("ATF") and FHS and refocusing on cleaner fisheries could mitigate the impacts<sup>3</sup>. This is simply not possible as there are no other viable aggregations of fish in a condition acceptable to the market at these times of year. A flatfish company would then be faced with the choice to tie up for a great deal of the summer, forego the essential diversification provided by these fisheries and incur the huge costs of transiting or flying crew to and from Dutch Harbor during the summer season. Currently, vessel crews rely on the year round nature of the Amendment 80 fisheries to make the crew shares viable. Laying off the crew and trying to rehire them in the fall would be hugely disruptive to the operation and costly in terms of training, quality and safety as crew member turnover would increase significantly. Lastly, moving effort into YFS from the other flatfish fisheries is a limited option due to lack of increased fishing opportunities for YFS and due to market limitations to increasing YFS catches. An operator cannot simply move effort into YFS during times of year of poor quality and low CPUE without negative impact to price per kilogram of YFS (if the product can even be sold) and increasing cost of operations.

Company and Vessel Specific Impacts: In analyzing the economic impacts to IQQ it is important to understand the aforementioned available fishing opportunities. With the need to operate through the summer as previously described and the discrete areas and times of year available for viable target fisheries, reduced PSC allocations will likely preempt fishing opportunities late in the year rather than a theoretical optimization of month-area combinations. To simulate the financial impacts to IQQ, the following assumptions are made:

- 2015 TAC and Quota levels
- 5 year average monthly halibut bycatch rates
- 23% fixed and 77% variable cost structure (including vessel capital expenditures)
- Base line of 90% usage of halibut under status quo
- Fishing plan is reduced in the Fall in accordance with PSC reduction options
- Prices at levels which are based on the five year average
- Harvest levels are reduced at each cut from the halibut sector cap based on five year average rates

To summarize the results, the impact of a 20.0% cut is an 11.4% reduction of tons harvested and a 30.1% negative impact on net cash flow (*defined as earnings before interest and depreciation less required capital investments in maintaining the vessels*). A cut of 30% would result in a 24% reduction of tons harvested and a 68.0% negative impact on net cash flow. At a cut of between 25-30%, our least efficient vessel would now be operating in the red which would require discontinuing that operation and redistributing remaining PSC cap and quota among our three other vessels in an effort to reduce costs. At the extreme end of reductions of 40%, the entire company is operating at break-even and any cut above 40% results in significant losses, jeopardizing the viability of the entire business to remain a going concern.

Under the 30% cut scenario, the vessel subject to being tied up represents 80 jobs with an average pay (2008-2014) of over \$50,000 per crew member. This crew is a diverse group of long time employees made up of largely minorities from a range of nationalities. On average since 2008, this vessel has generated in excess of \$4 mm in annual crew share wages and has generated annual average FOB revenues of \$13 mm.

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<sup>2</sup> Section B.2.6 page 435

<sup>3</sup> Section B.2.3 page 431

The Waters Paper of 2014 referenced in the analysis<sup>4</sup> uses an economic multiplier of 3.56x for the A80 fisheries. Accordingly the overall economic impact/contribution to the nation of adopting a 30% cut and tying up this vessel is \$46.3 mm.

Our analysis of impacts on our company above looks at the conditions experienced on average. If, as has been the trend, the average size of halibut in the Bering sea continues to decline, many of the tools we use to control our bycatch rates would not work as well. Specifically, both excluders and deck sorting are designed around reducing catch and mortality of relatively large halibut in our nets. If abundance of small halibut continues to increase, the economic impacts described above are underestimated and the impacts on our vessels from attainment of their halibut caps before their groundfish allocations are potentially much greater.

Value of Amendment 80 Fisheries: Based on the information presented in the analysis it is likely that the economic values of the A80 fisheries are meaningfully understated. In the representation of revenue value from the Amendment 80 fisheries<sup>5</sup>, a complicated algorithm is referenced smoothing the value of all three flatfish targets. This smoothing function would serve to understate the impacts in the Analysis' modeling of redirecting summertime catches of higher value species. The analysis also appears to not include the value of incidental species such as Pacific Cod which are represented only if they are targeted hauls. Amendment 80, Cod which is nearly 30,000 mt a year is referenced as a range of 3,450 mt-6,740 mt/ year of targeted cod<sup>6</sup>. It appears to ignore the value of the 25,000 mt of cod harvested in connection with Bering Sea flatfish catches. Additionally, the value applied to trawl cod<sup>7</sup> appears to be understated as its value is shown as an average of only 40% of the value of longline cod when historically there has been only about a 15% difference. This would serve to understate the value of the cod that is shown as an A80 target fishery resulting in a double inaccuracy of unreported cod catch and underreported value.

Reaction Analysis: The recently revised analysis now contains a new Exhibit B which attempts to illustrate the practicability of further bycatch reduction measures but falls far short of considering many variables in analyzing high bycatch tows. The analysis concludes by a simple test of rate in two subsequent tows that the effects of PSC cuts can be largely mitigated through improved reactions. This conclusion fails to consider many potential variables and the reactions that are taking place. Additionally, the analysis is not weighted for size of haul nor does it take into account whether or not an operator actually moved or took another potential action to reduce bycatch. If the analysis were more complete, the size of haul could indicate a series of test tows and measuring movement could determine that the vessel operator attempted to find cleaner fishing grounds whether or not they succeed in that effort for the tow or the reaction is being evaluated. Reactive actions not measured by this analysis could also include some way of looking at whether the operator communicated with other operators in other areas to determine if cleaner fishing is even available; decided not to tow at night, or make gear modifications such as excluder grid size or adjustments to the fishing line to reduce bycatch. The analysis also assumes that the operator has the sampled haul composition by the third tow which is not always the case due to the time to process observer catch data-at times Captains are essentially sidelined in their avoidance efforts because an observer is slow to get them the information on bycatch due to training, experience and conditions. Also, the analysis fails to consider the potential lack of reaction due to knowledge of the actual haul composition while dumping the bag and running the fish versus what the observer sample composition indicates is the haul composition.

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<sup>4</sup> Section 4.4.2.3 page 148

<sup>5</sup> Section 4.4.1.1 Catch and Revenue in the BSAI Groundfish Fisheries pages 126-129

<sup>6</sup> Section 4.4.2.2 Catch, Table 4-17

<sup>7</sup> Table 4-2 page 129

In terms of time and area reactions to high rates recommended in the analysis<sup>8</sup>, Amendment 80 flatfish companies have very limited flexibility to change operations to optimize fishing because operations are based on the natural cycle of fishery aggregations and spawn condition throughout the year. A company cannot simply substitute YFS for ATF catch in the summer at lower PSC rates, nor can they increase catches in limited areas like Togiak as an alternative fishery in summertime. The practicability standard is being met through Amendment 80 vessels consistent implementation of the suite of measures available to them throughout the year including test tows, halibut excluders, communications on the grounds, bycatch area maps and consideration of the impacts of night fishing. The Council should also consider that even with all practicable measures implemented there will be measureable inter-annual variations due to environmental conditions and fishery patterns that the fleet will constantly need to adapt to. This raises substantial risk that the actual impacts to Amendment 80 companies from the proposed reductions may be far greater than discussed.

Summary: Flatfish dependent Amendment 80 companies are viable operations due to the variety of fisheries which they prosecute throughout a fishing year in accordance with the availability of fishing aggregations, incidence of halibut and spawn condition of the fish. Operators are not afforded the unlimited operational choices that the analysis suggests but rather are faced with simply shutting down summer operations. Also, the analysis likely understates the economic impacts by focusing on only on top line revenues that are incomplete and assumes mitigating behavioral changes which are not possible. It also fails to consider the massive fixed cost burden of catcher processor operations and the exponential impacts on profitability. We ask that the NPFMC fully consider the operational constraints of the Amendment 80 fisheries, the practicable bycatch reduction efforts that are already fully implemented in the fisheries and the devastating economic impacts to the Amendment 80 fleet as you review the appropriate level of a bycatch reduction.

Sincerely,



Arne Fuglvog  
Director of Governmental Affairs  
Iquique, U.S., LLC

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<sup>8</sup> Section B.2.3 pages 431-435



The logo features a stylized fishing hook and line, with the hook curving upwards and the line looping around it.

# Alaska Longline

## FISHERMEN'S ASSOCIATION

Post Office Box 1229 / Sitka, Alaska 99835 907.747.3400 / FAX 907.747.3462

Dan Hull, Chairman

North Pacific Fishery Management Council

605 W. 4<sup>th</sup> Avenue, Suite 306

Anchorage, AK 99501-2252

May 26, 2015

Re: Agenda Item C-2 Bering Sea Aleutian Islands (BSAI) Halibut PSC Limit

Dear Members of the Council,

I submit the following comments to you on behalf of the Alaska Longline Fishermen's Association (ALFA). Our over 100 members are owners-operators and deckhands on small hook and line vessels. Most of our members and their families depend on the halibut resource for a significant share of their livelihood. ALFA supports a 50% reduction in the Bering Sea/Aleutian Island (BSAI) trawl halibut prohibited species catch (PSC) caps and calls on the Council to uphold the legacy of conservation and stewardship that has made Alaska's halibut fishery one of few long-term success stories in fisheries management world-wide. More specifically, we recommend alternative 2 with a 50% reduction in the Amendment 80 and trawl limited access sector caps. As the analysis for this action documents, these two sectors have been taken more than 4.5 million net pounds of halibut PSC mortality per year over the past six years in the BSAI, or roughly 80% of the total PSC mortality in the area. (EA p. 73) ALFA maintains that National Standards under the Magnuson-Stevens Act and mandates of the Halibut Act not only support but mandate this action.

### **Historic Considerations**

ALFA was founded in 1978 by fishermen who recognized the ocean could not support the overfishing conducted by foreign fleets operating off Alaska. Founders worked with Alaska's delegation to support

passage of the Magnuson-Stevens Act, and formed an association to secure protection of rockfish, sablefish and halibut stocks that had declined precipitously during the 1960s and 1970s. Along with other halibut fishermen from Alaska and Washington, ALFA worked to protect the halibut resource from overfishing, end the bycatch of species important to coastal fishermen, and reduce exploitation until stocks recovered. Both fishermen and Congress recognized stocks were in trouble and needed protection.

I revisit this history to point out the following: **At the time, halibut stocks were at levels comparable to today**—with total removals at 34 million pounds.<sup>1</sup> The total coastwide commercial and sport halibut harvest in 2014 was 31 million pounds. Again, the only time period with comparable harvests was during the 1970s, the period following intensive foreign trawling and a high mortality of juvenile halibut in the Bering Sea.

Of equal importance to the decision at hand is for the Council to recognize that halibut stocks quickly recovered following Congressional action in 1976 to address bycatch, protect juvenile fish, and close the Bering Sea halibut nursery grounds. For a five-year period during the 1980s, the curtailment of foreign fisheries resulted in considerable reductions in halibut PSC.<sup>2</sup> Strong year classes appeared and rebuilt the halibut stocks and the halibut fishery to historic high levels, providing essential revenue socioeconomic benefits to Alaska's fisheries and fishing communities.

Rapid development of the domestic trawl fisheries followed with an equally rapid increase in halibut bycatch. After the IPHC reopened the halibut savings area to domestic trawling, Area 4 bycatch increased from 5 million to over 10 million pounds, while coastwide bycatch increased to over 16 million pounds by 1992. Again juvenile fish were being killed in trawls, and again this bycatch galvanized Congressional action. To quote Alaska's Senator Stevens:

"The bycatch problem is of great concern in my State of Alaska, where over half of the Nation's fish are harvested each year off our shores. In 1995, 60 factory trawlers discarded nearly as much fish in the Bering Sea as was kept in the New England lobster fishery, the Atlantic mackerel fishery, the Gulf of Mexico shrimp fishery, the Pacific

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<sup>1</sup> [http://www.iphc.int/publications/bluebooks/IPHC\\_bluebook\\_2015.pdf](http://www.iphc.int/publications/bluebooks/IPHC_bluebook_2015.pdf) p.72.

<sup>2</sup> Stewart, I.J. 2015. Overview of data sources for the Pacific halibut stock assessment and related analyses.

sablefish fishery, and the North Pacific halibut fishery combined. The waste in that area was as great as the total catch of all the major fisheries off our shores. These 60 factory trawlers threw overboard – dead and unused – about one out of every four fish they caught.

I have a chart here to call to the attention of the Senate. Last year, the Bering Sea trawl vessels – this all the trawl vessels and not just factory trawlers that are committing waste – threw 17 percent of their catch overboard, dead and not used. That total catch, as you can see by the chart, exceeds by almost 500 million pounds the total catch of all five of the major fisheries of the United States.

...

I hope this bill will bring a stop to this inexcusable amount of waste.” [142 Cong. Rec. S10810 (Sept. 18, 1996) Sen. Ted Stevens speaking].

The bill Alaska’s Senator Stevens references is the Sustainable Fisheries Act, which amended the MSA to include National Standard 9 and call for reducing bycatch to the extent practicable. That Senator Stevens specifically referenced trawl bycatch should emphasize for the Council and the public that this Congressional directive is particularly relevant to the current action before the Council. Also of note is that Congress did not mandate reducing bycatch only when a stock was overfished, nor did Congress define “practicable” in strictly economic terms. Subsection (d) of the National Standard 9 guidelines specifically defines net benefits to the Nation to include negative impacts on affected stocks, economic values to commercial, recreational and subsistence fisheries, existence values, and recreational values.<sup>3</sup>

The IPHC also aggressively pursued halibut bycatch reductions during this same time, calling for a 50% reduction achieved over 5 years and with particular attention paid to protecting juvenile fish in the Bering Sea.<sup>4</sup> Even prior to tagging studies documenting the migration of halibut from the Bering Sea nursery grounds to the Gulf of Alaska and further south, fishermen and fishery managers recognized that small fish matter. Protecting juvenile fish that have not yet contributed to the biomass from harvest is an essential investment in the future. As the letter submitted to you from Canadian IPHC Commissioner Michael Pearson, Canadian Department of Fisheries and Ocean documents, Area 2 fisheries have in fact achieved a 85-95% bycatch reduction since 1991—and have done so without

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<sup>3</sup> 63 Fed. Reg. at 24226; 50 C.F.R. § 600.350(d)

<sup>4</sup> Salvesson, S. et al. 1992. Report of the Halibut Bycatch Work Group at 19, 25. IPHC Tech. Rpt. No. 25.

compromising groundfish harvest. While Dr. Pearson emphasizes the importance of these bycatch reductions, he also highlights that conservation on the southeastern end of the halibut range is compromised by ongoing bycatch mortality in the Bering Sea. DFO, along with Canadian fishermen, strongly support a bycatch reduction of AT LEAST 50 % (NPFMC public record, May 2015).

Until five years ago, the IPHC maintained that despite high bycatch levels large numbers of juvenile fish were present in the Bering Sea and poised to recruit into the fishery. The 2004-2006 year classes were observed in historically large numbers in the Eastern Bering Sea and appeared poised to repeat the halibut recovery seen during the early 90s (EA, p. 55). But at this point history does not repeat—these strong year classes declined rapidly and in 2012 biomass estimate were revised downward by 30%. (EA, p. 52). At this point, these year classes which were once considered to be orders of magnitude bigger than the much celebrated 1987 year class are now at best average. Although the cause of the demise of these 50 million juvenile halibut cannot be established, what is known is that trawl bycatch in the Bering Sea remains at high levels and bycatch mortality is one plausible explanation for the decline.<sup>5</sup> The absence of these small fish means the rebuilding potential of the halibut stock is in jeopardy and the future of the halibut stock and fishery is tenuous.

Which bring history full circle: Halibut stocks are again near historic low levels, surveyed catch per unit effort in some areas is *at* historic low levels, trawl bycatch of juvenile halibut remains high, halibut fishermen and fishery dependent communities are again struggling, and ALFA, along with other fishing organizations, is asking fishery managers to protect stocks by reducing halibut bycatch with particular attention to reducing the bycatch of juvenile fish in the Bering Sea. Alternative 2 includes options that would reduce the PSC limits in order to: (1) minimize bycatch to the extent practicable; (2) ensure long-term conservation and abundance of halibut and (3) provide additional harvest opportunities in the directed fishery. Although ALFA considers this version of the EA/RIR/IRFA to be an improvement over the draft initially reviewed by the public and SSC, we believe the document remains inadequate in its discussion of number 2 above. For this reason, our comments below largely focus on the resource conservation concerns associated with this action.

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<sup>5</sup> [http://www.iphc.int/publications/rara/2014/rara2014\\_24juveniledist.pdf](http://www.iphc.int/publications/rara/2014/rara2014_24juveniledist.pdf) p. 376

### **Conservation Concerns**

The discussion above documents the current low abundance of halibut stocks and the past vulnerability of stocks associated with juveniles halibut being killed at levels comparable to existing bycatch levels. For emphasis, the current estimated biomass represents the lowest biomass level since 1996, when Congress passed the Sustainable Fisheries Act. (EA p. 101) Other conservation issues and concerns associated with BSAI bycatch revolve around the fully allocated nature of the halibut resource; the uncertainty surrounding estimates of juvenile halibut and the potential for growth overfishing given that uncertainty; and the loss of genetic and bio-complexity given the high pressure on juvenile stocks. These are discussed briefly below.

Fully allocated resource: The halibut resource has been fully prosecuted since the early 1900s, with all halibut estimated to be available for harvest on a sustainable basis being harvested. Since the IPHC was formed by Convention in 1923, the halibut resource has also been fully allocated. In a fully allocated resource, any reduction in abundance must trigger a reduction in harvest to avoid overharvest and, logically, in times of reduced abundance all sectors should reduce harvest to conserve the resource. To argue that reductions in one sector's harvest is conservation while another sector's reduction is purely allocation is illogical at best. The clear flaw in this argument is clearly illustrated by the point made in the EA on page 102: even eliminating the Area 4CDE directed fishery might not sufficiently reduce halibut removals from this area if the estimated biomass continues to drop or recalibration changes survey weight per unit effort assumptions. In other words, once the "conservation buffer" afforded by the directed fishery is gone, further reductions to protect stocks can only be made in the bycatch fishery. Would the Amendment 80 sector then concede that these reductions conservation rather than allocation? Why would the directed fishery bear the whole conservation burden until that point? ALFA would argue that all harvest limits in a fully allocated resource are conservation-based, therefore all reductions have a conservation element.

The Council is well aware at this point of the dramatic reductions in the directed fisheries imposed for conservation reasons. Fishery-wide catch limits have been reduced more than 60 % since 2007 and in Area 4CDE harvests in the directed halibut fisheries in this region have been reduced by 76%. And yet over this same time period the groundfish bycatch limits have remained unchanged imposing the entire conservation burden on the directed fisheries and causing a *de facto* reallocation of Bering Sea halibut from the directed fishery to the groundfish trawl sector.

Estimating juvenile abundance: Page 98 of the EA lists major sources of uncertainty that the Council should consider. One of these is the high uncertainty surrounding juvenile natural mortality rates, which clearly factors significantly into calculations of futures losses associated with bycatch. Page 55 in the EA identifies that year class strengths remain uncertain until 8-10 years after halibut have been spawned, and the EA on page 101 admits that management is much more robust when removals are taken from fish that have already been directly observed. Given the uncertainty surrounding the abundance and natural mortality of the stock segment that bears the brunt of trawl bycatch, the past history of abundance declines and recoveries that correlate to high juvenile mortality and juvenile protection measures, ALFA believe a precautionary approach is supported, if not mandated. Clearly the future of the stock depends on protecting juvenile halibut. They are the rebuilding potential of the stock. ALFA would also call the Council's attention to the 2015 IPHC Bluebook discussion of lowering the minimum size limit in the directed fishery. Although the analysis identifies that lowering the minimum size limit would like reduce wastage in the directed fishery, it goes on to caution that it increases the risk of growth and recruitment overfishing.<sup>6</sup> One would surmise that if harvest of juvenile halibut by the directed fishery increases the risk of growth and recruitment overfishing, then the bycatch of these small fish poses the same threat, particularly given the uncertainty surrounding abundance estimates of this resource component and the magnitude of existing bycatch (1.052 million fish). Add in the dramatic disappearance or miss-estimation of the 2004-2006 year classes and the 30% biomass adjustment that resulted and ALFA believes the Council should recognize a compelling need to be precautionary and reduce pressure on these juvenile fish.

Genetic and bio-complexity: Bycatch of juvenile halibut removes these fish from the population before they have genetically contributed to the stock, which overtime can be expected to reduce the genetic complexity of the halibut stock and therefore the stocks resilience to disease or environmental changes. Given the expected and observed changes to climate and ocean acidity levels, reduced genetic diversity constitutes another important risk factor for the halibut stock. The IPHC protects bio-complexity and the role of halibut in the ecosystem by spreading harvest across all areas relative to estimated stock distribution. For the same reasons, the bio-complexity costs are high of harvesting 5 million pounds of mostly juvenile fish from Area 4CDE. As IPHC studies document, very few halibut ages 1-5 can be found

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<sup>6</sup> [http://www.iphc.int/publications/bluebooks/IPHC\\_bluebook\\_2015.pdf](http://www.iphc.int/publications/bluebooks/IPHC_bluebook_2015.pdf). p. 181

at this time in the southeastern portion of the Gulf. Juvenile halibut migrations from the Bering Sea to the Gulf are truncated by BSAI trawl bycatch.<sup>7</sup>

Preserving optimum yield: Ninety-two years ago the United States committed to preserving the Pacific halibut stocks. The Convention Between Canada and the United States of America For the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea stipulates that the two countries agree to jointly manage the halibut fishery for "...optimum yield from that fishery, and of maintaining the stocks at those levels..." More yield can be obtained by harvesting larger sizes of halibut rather than the sizes killed as trawl bycatch. Most demersal fish maximize biomass of a cohort around the age of sexual maturity -- 11 years old for female halibut and 9 years old for males. Optimizing catch around that point usually leads to the maximum sustainable yield point. Halibut killed in trawls average 4.76 pounds—well below the size of sexual maturity even with current lower growth rates. As the EA states, harvesting smaller fish also causes a steeper reduction in spawning biomass per recruit, "consequently a lower target harvest rate on larger fish is required in order to "compensate" the stock to keep the spawning biomass per recruit at the target level." (EA p. 101) In effect, optimal yield is compromised by harvesting small and juvenile fish, which undermines the health of the stock, the value of the fishery, and the US commitments under the Convention.

### **Socioeconomic impacts**

National Standard 8 requires Council to provide for the sustained participation of and minimize adverse economic impacts to fishery dependent communities. Because the future of the halibut stock is at stake, ALFA maintains that everyone who values the halibut resource is affected by this decision, as are the communities in which they live. There are currently 2,714 halibut quota share holders in the United States who made landings into 32 different ports in 2014.<sup>8</sup> An additional 4,705 Alaskans subsistence fish for halibut each year and 1157 vessels participate in the halibut CDQ fishery. Halibut is one of the two most important sport fish targets for state of Alaska residents and visitors. Because the bycatch of

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<sup>7</sup> [http://www.iphc.int/publications/rara/2014/rara2014\\_24juveniledist.pdf](http://www.iphc.int/publications/rara/2014/rara2014_24juveniledist.pdf)

<sup>8</sup> Alaska Fisheries Information Network. 2012. Fishing Fleet Profiles, 2012 Addendum. Retrieved from [http://www.akfin.org/wp-content/uploads/2013/09/Fishery\\_Fleet\\_Profile2012\\_Addendum.pdf](http://www.akfin.org/wp-content/uploads/2013/09/Fishery_Fleet_Profile2012_Addendum.pdf)  
NOAA Fisheries. 2015. IFQ Halibut/Sablefish Reports and CDQ Halibut Program Reports. Harvest and Landing Reports, IFQ Harvest by Port of Landing. Retrieved from <http://alaskafisheries.noaa.gov/ram/ifq/14ifqport.pdf>

juvenile halibut results in a lower allowed harvest of larger halibut, everyone who depends on or enjoys harvesting or processing halibut should be considered in evaluating this issue relative to National Standard 8.

That said, the impacts of this action are most acute in the Bering Sea communities. As public testimony and the Council's community profiles document, the halibut fisheries support the social and economic fabric of the 39 Western Alaska villages. Communities such as St Paul and St. George have very few alternative sources of employment and rely on the halibut fishery both culturally and economically. Alternative 1 and options under Alternative 2 that do not result in significant PSC reductions will shut down Area 4CDE fisheries while major PSC limit reductions **may** prevent the A80 and trawl limited access sectors from harvesting their entire groundfish quotas in some years. These rationalized sectors have the opportunity to adapt, to employ bycatch reduction techniques currently under development, to learn from their Canadian counterparts who achieved an 85% reduction without compromising groundfish harvest, and to prioritize participation in the highest value fisheries. Western Alaska community residents, on the other hand, have few if any options and face bankruptcy, social dislocation and cultural extinction. It is essential that the Council consider the economic, social and cultural dependence of communities on the halibut resource. With these factors in mind, arguments comparing Seattle's "dependence" on halibut to the dependence of St Paul become specious.

Equity: In the Bering Sea, Gulf of Alaska, and Canada fishermen entering the directed halibut fishery are required to invest up to %50 per pound of quota share purchased. Bycatch fisheries are investing nothing for the privilege to kill halibut. Bycatch of halibut over 26 inches results in a 1:1 loss to QS holders in the area where the bycatch occurs and bycatch of halibut under 26 inches results in a lower harvest rate on larger fish for all QS holders (EA p. 101) The Council implemented the BSAI halibut PSC limits prior to implementation of the quota share program, hence these impacts have never been analyzed yet halibut have continued to be reallocated from directed to bycatch fisheries as the biomass declines and PSC remains constant. By way of example: in Area 4CDE, the directed fishery quotas have been reduced from 3.4 million pounds in 2011 (more than half the quota) to 1.2 million pounds in 2014 (less than ¼ of the quota).<sup>9</sup> Conversely, trawl bycatch in Area 4CDE has actually increased, from 3 million pounds in 2011 to 4 million pounds in 2014. [EA at 74, Table 3-15]. Directed fishery quota share holders have invested on average \$25 per pound to purchase halibut quota while trawl bycatch users

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<sup>9</sup> Stewart, I.J. 2015. Overview of data sources for the Pacific halibut stock assessment and related analyses.



pay nothing. This *de facto* reallocation, which has never been evaluated or analyzed, suggests a “takings” issue that clearly demands the Council’s attention.

### **Conclusion**

The decision to protect this valuable resource—and the fishery dependent communities that rely on it—is now in the Council’s hands. This is the appropriate forum for this issue to be decided, although both NOAA Fisheries and the IPHC have expressed a commitment to meaningful action. ALFA calls the Council’s attention to the extensive history of this fishery, to the legacy and directives from Congress, and to the U.S. responsibilities under the Halibut Convention. ALFA maintains that existing levels of halibut bycatch, current risks to the halibut resource and impacts to fishery dependent communities, and the implications of the *de facto* reallocation of halibut from directed fisheries to bycatch are unacceptable under MSA standards and guidelines. We urge the Council to reduce BSAI trawl PSC caps by 50% and to accomplish that reduction by focusing on the fisheries primarily responsible for the bycatch: the Amendment 80 and trawl limited access sectors.

ALFA representatives and members will provide additional testimony during the June Council meeting in Sitka. Thank you for the opportunity to comment.

Sincerely,



Linda Behnken  
(Executive Director, ALFA)

**Subject:** C2-HAL 15-023 Final Action-BASI Halibut PSC Limits  
**From:** "Andy Lundquist" <ynot@gci.net>  
**Date:** 5/26/2015 4:37 PM  
**To:** <npfmc.comments@noaa.gov>

May 26, 2015

Secretary Pritzker, Chairman Hull and NPMC members:

My name is Andrew Lundquist, a longtime Kodiak business owner and an ex halibut longline fisherman (I sold my halibut shares about 9 years ago). It is high time that the BSAI trawl halibut "bycatch limits" are cut back. Halibut fisherman have suffered over 70% cutbacks in quota in recent years, cutbacks of 50% for the trawl group bycatch is not only reasonable but is FAIR. Why should the longline sector be penalized and the trawl sector continue to fish with no cutbacks like what have been experienced by the other sector?

Sincerely,

Andrew Lundquist  
P.O. Box 589  
Kodiak, Alaska 99615 [ynot@gci.net](mailto:ynot@gci.net)

## O'Hara Corporation

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Chairman Dan Hull  
North Pacific Fishery Management Council  
605, West 4<sup>th</sup>, Suite 306  
Anchorage Alaska 99501  
[Npfmc.comments@noaa.gov](mailto:Npfmc.comments@noaa.gov)

May 26, 2015

Re: Final Action - BSAI Halibut PSC Limits

Dear Chairman Hull:

On behalf of the O'Hara Corporation, I am writing to provide comments on the North Pacific Fishery Management Council ("Council") June Agenda Item C-2, Bering Sea/Aleutian Islands (BSAI) Halibut PSC Limits. The O'Hara Corporation, a family held company that has participated in US commercial fisheries since 1907, owns and operates 3 catcher processors in the non-pollock BSAI groundfish fisheries, also known as the "Amendment 80" (A80) fleet. These vessels, C/P Constellation, C/P Defender and C/P Enterprise, are the primary driver for the economic health for our family, those we employ and the communities we reside and work in.

All outcomes in this proposed action to reduce halibut PSC found in the Environmental Assessment/Regulatory Impact Review (EA/RIR), Alternative 2, Sub-Option 2, (a-g) 10%-50% reductions, will significantly impact our ability to continue to harvest our groundfish in the Bering Sea. However, should the Council chose to recommend an Option other than Status Quo, we request thorough consideration be given to the practicability of these severe measures that will prevent achieving Optimum Yield on an annual basis, by limiting this allocation decision to an option no greater than a 10% reduction.

The O'Hara vessels are members of the Groundfish Forum (GFF) and the Alaska Seafood Cooperative (AKSC). We support comments submitted to the Council by these organizations on this action and seek to provide some additional insight on the impacts to our company below.

### **The O'Hara Corporation and BSAI Fishing Operations**

In 2015 the O'Hara Corporation is providing family wage jobs to 86 shoreside personnel and 242 at-sea fishing positions. We have been participants in the BSAI non-pollock groundfish fishery since 1990. Our company holds shoreside infrastructure in Seattle, Washington, and Rockland, Maine, that support our local economies, and our vessels' harvests provide direct community support in the State of Alaska through approximately 100+ port calls on an annual basis. In 2014 alone, we purchased \$7,224,876 in fuel, \$950,695 in provisions, \$325,431 in Lube; and paid \$352,386 in fish landing taxes. In season purchases of supplies (parts, materials), services (lodging, repair) and individual crewmen purchases support the local infrastructure of the ports we visit, primarily Dutch Harbor AK.

At O'Hara's, we run flatfish boats. We do not fish for mackerel or fish in the Gulf of Alaska. Our vessel allocations under A80 comprised of flatfish species, 2010-2014, represent 87-92% of our total allocation; and all flatfish (inclusive of non-allocated) is 58-70% of all catch. As the EA/RIR indicates, 80% of halibut use is in the flatfish fisheries; and we will be impacted as a flatfish company at a much greater rate than is projected by the analysis.

### **Economic Impact and Practicability**

We have struggled with the economic impact analysis in the document found in the Interactive Multi-year Simulation (IMS) Model that presents Scenario A and Scenario B outcomes and the practicability analysis found in Appendix B, as each have underpinnings in behavioral changes in A80 cooperatives.

#### *IMS Model*

We find the IMS Model overly complex with results that are unclear and difficult to relate to our operations. The model uses 49 assumptions outlined in the document that all have uncertainties associated with them. The cumulative effect of these uncertainties are unknown and outcomes should be considered with caution. In fact, the document describes this process “a very complicated series of calculations, assumptions, and estimates must be made, most of which include a significant amount of uncertainty and variation.”<sup>1</sup>

The IMS Model presents two Scenarios: A and B. Scenario A is not a representative reflection of how our cooperative works and while the document states that Scenario B is more realistic it also presents impracticable assumptions. In general each of these scenarios vastly underestimate the economic impacts to the highly dependent flatfish operations of the O'Hara Corporation.

Following the initial presentation of the IMS Model in February we contracted an economics group to review the analysis to provide us with estimates of direct impacts to the O'Hara Corporation under this action. Regardless of our concerns with the methods utilized in the analysis we requested this work be performed consistent with these methods and data bases for comparative purposes. In review of this information and the portfolio of our catch, we estimate that losses for our company may exceed the Scenario B methodology estimate by a factor of 3.

#### *Appendix B*

Appendix B suggests three behavioral changes “could” be practicably implemented to offset or mitigate some, but not all, of the negative economic impacts with potentially limited impacts to groundfish harvests. We find this suggestion to be outside the realm of our reality. Additionally, the analysis clearly indicates the inability to quantify any amount of halibut savings, costs associated with these changes or the resulting groundfish losses. These changes include (1) higher standards for requirements to move when halibut encounter rates are high, (2) limiting harvest of Flat Head (FH) Sole and Arrowtooth Flounder (ATF), and (3) reducing halibut rates at the end of the year. These changes do not adequately account for the seasonal variation in halibut abundance and rates in target fisheries, nor the current efforts of the fleet to avoid halibut.

(1) Our vessels are in continuous communication with the fleet and constantly seeking tows with minimal halibut encounters. We utilize excluders, do test tows, move often and participate in the EFP for deck sorting. However, there are certain times of the year in our experience, that a vessel can move and encounter the same or even higher rates. We will continue to use all tools available to avoid halibut. We

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<sup>1</sup> EA/RIR Section 4.2.6, p.228

also comment on the reliance on observer data for real-time information by tow 3 in the analysis. In fact, correspondence from NMFS Enforcement to the AKSC in July of 2014 included this: “Note: Observers are not required to provide data to vessel operators. They may provide data no more than once daily.” Captains often must only rely on visual inspection of the tow. It is not at all clear that the assumption that knowledge of observer bycatch ratios are available for tow 3.

(2) Because our vessels do not have history in the GOA or mackerel fisheries, forgoing FH and ATF fisheries is problematic. These fisheries are primarily prosecuted in the summer months when the quality and value of Yellowfin (YF) Sole is low. Flatfish Flexibility can be useful in allowing exchanges between YF and Rock Sole (RS) to account for environmental conditions, but is not a valuable tool for summer fishing opportunities. Lastly, we already reduced this valuable FH fishery with the implementation of A80 and the associated halibut reductions of that program.

(3) There may be a number of factors in higher rates at the end of the year that include higher halibut abundance. O'Hara vessels have spent very little time participating in the end of the year fishery past day 320, and therefore, we cannot expect any significant halibut savings through this suggested behavior change.

The analysis provided in Appendix B would need to be expanded to include the seasonal variability of fishing activity by target species, halibut rates, and company portfolios of allocations before any conclusions that additional behavioral changes could be “practicably” implemented by the A80 sector. In addition, a key component in a practicability analysis is costs, which are not reflected in the document. In conclusion, our O'Hara vessels will continue to use all tools available to reduce halibut encounters, further reductions in FH are likely to result in a loss of this valuable fishery that tie our vessels up for a significant portion of the year, and lastly, our limited participation in the end of the year fishery will provide very little halibut savings. We appreciate the work of staff to prepare this Appendix, but do not find a practicable solution in this analysis.

### **Vessel Replacement**

Our last visit to Sitka, Alaska, was in June of 2010, as the Council recommended final measures to allow vessel replacement in the A80 sector. We had long awaited this action to begin the process of replacing our aging fleet. With the publishing of a proposed rule in 2013, the O'Hara Corporation signed a shipyard contract to construct a new vessel. The C/P Araho is a world class vessel design that will be the first of its kind to operate in the Bering Sea. This vessel will improve our efficiency in production, improve living conditions for our crew and reduce our carbon footprint. However, the base price for this vessel class is approximately \$50 million and we currently exceed that estimate in construction. These benefits in efficiency, living conditions and improvement in environmental impact will be lost if we lack halibut to prosecute our fisheries. Had we known in 2013 that the Council would consider this allocation action in 2015, we would not have signed a contract and begun construction. The C/P Araho is due for completion at the end of 2015.

### **Summary**

As stated above, the O'Hara Corporation is a flatfish company that does not fish in the GOA or the Aleutian Island mackerel fishery. We are year-round Bering Sea boats that will feel the greatest losses from these actions. With the implementation of A80 in 2008, we reduced our bycatch of halibut by 12% by 2011. In 2014, at the request of the Council, we reduced our bycatch by 10% in the latter half of the year. But there is a ceiling on how much reduction can be achieved - we cannot fish for flatfish without an adequate halibut allocation.

O'Hara Corporation  
NPFMC – Agenda Item C-2  
Page 4

We are concerned that the IMS model vastly underestimates our losses under all options; and the Appendix B practicability analysis does not offer us any real behavior change options to reduce halibut other than the loss of the FH and ATF fisheries that we depend on for a significant portion of the year.

We understand the Council must balance all of the National Standards, including communities, practical measures to minimize bycatch and be fair and equitable to all user groups in allocation decisions. We wish you well in your deliberations and ask you to consider the impacts of this decision by limiting your recommendation to a 10% reduction.

Sincerely,

A handwritten signature in cursive script that reads "Frank O'Hara".

Frank O'Hara, Jr.  
Vice-President  
O'Hara Corporation

**Subject:** C2 BSAI Halibut PSC limits  
**From:** jeff farvour <jefarv@gmail.com>  
**Date:** 5/26/2015 4:44 PM  
**To:** npfmc.comments@noaa.gov

Chairman Hull and Council Members,

My name is Jeff Farvour, I live in Sitka and am solely dependent on commercial fishing for my livelihood. I am one of 2,714 halibut IFQ quota holders and one of 4,705 eligible Alaskan halibut subsistence fishers. I was not allocated IFQ's but I have invested nearly all of my crew share earnings from the last 15 years in halibut IFQ's. Since I've made those investments, I've accepted extremely economically painful reductions in my 2C quota investments by 78% from 2005-2011. I accepted those quota reductions to ensure the conservation of the halibut stocks which is the reason we are able to participate in this iconic high value, low volume historic fishery today and into the future.

I am writing you to support your efforts to reduce BSAI halibut bycatch caps by a critically needed and meaningful 50%. Current BSAI halibut bycatch limits are unacceptable and have remained nearly unchanged for 20 years! yet have accounted for 63 million lbs of bycatch in the last 10 yrs. The bycatch of this historically valuable fish has been compromising the conservation and sustainability of the halibut stocks for way to long.

Halibut fishers all though the BSAI, GOA and beyond have been bearing the burden of the conservation for the halibut stocks for over 100 yrs, yet the newer BSAI industrialized bottom trawl fisheries responsible for bulk of the bycatch devastation have increased their halibut bycatch to the point that bycatch now accounts for nearly 60% of the halibut mortality in the BSAI. Most of these bycaught halibut are juveniles that would have grown to migrate to the GOA and beyond, contribute to the biocomplexity of the halibut stocks and nourish the domestic halibut consumers. Clearly the preservation of these juvenile halibut is paramount for sound, responsible fisheries management.

Halibut bycatch is not simply just a fish thats bycaught, its a PSC thats historically extremely valuable to the halibut fisheries, Alaskans and the American public. Please take meaningful action and reduce BSAI halibut bycatch caps by 50%.

Sincerely, Jeff Farvour

**Subject:** Halibut

**From:** Marsh Skeelee <marsh@sitkasalmonshares.com>

**Date:** 5/26/2015 4:49 PM

**To:** NPFMC comments - NOAA Service Account <npfmc.comments@noaa.gov>

Dear North Pacific Management Council,

As a longline run SE Alaska, It has been hard to deal with cuts in our halibut quota. We rationalize it by telling ourselves that it's for the good of the resource and that all sectors will work together to ensure healthy halibut stocks. This for the most part is true, except for the trawl sector. A reduction in trawl bycatch halibut needs to take place to ensure that all sectors, big and small, can continue to harvest halibut in perpetuity.

Thank you,  
Marsh Skeelee

Sent from my iPhone





**Bering Sea Elders Group**  
www.beringseaelders.org • beringsea.elders@gmail.com

May 26, 2015

North Pacific Fishery Management Council  
605 West 4th Avenue, Suite 306  
Anchorage, AK 99501-2252

Re: Agenda Item C-2 – Bering Sea/Aleutian Islands Halibut PSC

Dear Chairman Hull and members of the Council,

The Bering Sea Elders Group is made up of elders from 39 participating tribes from Kuskokwim Bay to the Bering Strait. Our mission is to protect our traditional ways of life, the ocean web of life that supports the resources we rely on and our children's future.

The halibut resource is a significant contribution to our local economies as food, income and jobs. Fishermen in our villages harvest halibut from small boats and skiffs. We are deeply concerned about the level of halibut bycatch in groundfish fisheries in the Bering Sea. This bycatch affects the overall halibut population and limits opportunity for tribal members along the coast to harvest halibut for our families and to participate in local commercial fisheries.

The Bering Sea-wide halibut bycatch cap of 4,426 mt (9.7 million pounds round weight) has remained almost the same for 20 years even though the halibut stock has recently been in decline. In the last five years, the catch limit for halibut fishermen in our region (Area 4CDE) has gone down by 62%,<sup>1</sup> making it hard for our people to earn money as fishermen. Meanwhile, as fishing opportunity has declined in Area 4CDE, most of the bycatch for the whole Bering Sea/Aleutian Islands region continues to occur in our area. In 2014, 79% of the total Bering Sea/Aleutian Islands bycatch was taken from Area 4CDE.<sup>2</sup>

We are concerned not only about the impact of bycatch on our fishing opportunity, but about the waste itself. In our culture, we are taught to respect everything that the land and sea provides and never to waste what we harvest. Of all the halibut taken (directed catch and bycatch) from Area 4CDE in 2014, 77% was bycatch.<sup>3</sup> **This situation, in which far more halibut is wasted than landed, should not be allowed to happen and is far out of line with our cultural values and practices.**

(over)

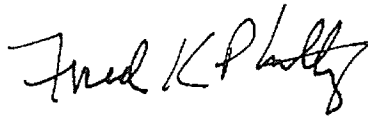
Ultimately, the state of the overall Bering Sea halibut population is important to us because our opportunities to fish are tied to the health of the resource as a whole. Halibut move inshore and offshore at different times of the year for feeding and spawning, which means there is widespread mixing of the fish we harvest throughout the Bering Sea.<sup>4</sup> We know that what happens throughout the Bering Sea affects the abundance of halibut that our villages along the coast rely on.

We urge the Council to make significant reductions in bycatch to show proper care for our living resources and to enable local fisheries to thrive in the future."

Sincerely,



David Bill, Sr.  
Chair



Fred Phillip  
Executive Director

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<sup>1</sup> Ian Stewart. 2015. Halibut removals by area and source 2010-2014.

<sup>2</sup> NMFS. Jan. 8, 2015. Halibut Mortality Estimate.

<sup>3</sup> Ian Stewart. 2015. Halibut removals by area and source 2010-2014.

<sup>4</sup> Ian J. Stewart, Steven J. D. Martell, Bruce M. Leaman, Ray A. Webster, Lauri L. Sadorus. June 2014. Report to the North Pacific Fishery Management Council on the status of Pacific halibut in the Bering Sea and Aleutian Islands and the impacts of Prohibited Species Catch. p. 10.

North Pacific Fishery Management Council — 224th Plenary Session  
June 1 – 9, 2015 — Centennial Hall; Sitka, Alaska

**Stephen Taufen — Public Comment for the Official Record**

E-submit: npfmc.comments@noaa.gov

**C2 - HAL 15-023 Final Action - BSAI Halibut PSC Limits**

May 26, 2015, Tuesday

Secretary Pritzker, Chairman Hull and NPFMC members:

My name is Stephen Taufen, founder of the Groundswell Fisheries Movement, and Kodiak resident, public advocate. Again, **please cutback BSAI trawl halibut ‘bycatch limits’ by at least 50%**, as the directed halibut fleet suffered over 70% cutbacks. Parity, fairness and justice have yet to be administered. Parity will not be finalized even at a minimum drop of 50%.

At the April meeting, last session, I testified in the B reports about the criminality of the False Information contained in the Petition by some Amendment 80 players, who paid to gather 23,000 signatures and for that to be submitted to Washington governor Jay Inslee in violation of 16 USC 1857 Prohibited Acts (I), a felony. As you likely know, I proceeded to meet with NMFS OLE and since they surmised the FBI might be the proper investigator, I turned my knowledge and allegations over to a fisheries arena special agent at Justice, as well.

I expect the Council will not allow such false Petition statements to enter the federal record in Sitka or elsewhere. If so, we expect full investigation and prosecution led by the Council itself. You are already living in the known consequences of fraud: fraud, deception, untruths vitiate or live within all that follow. The boilerplate letters from hoodwinked Amendment 80 supporters clearly show it. And you know this is wrong, because the directed halibut fleet has no corresponding plethora of letters from its far more numerous supplier businesses, which would carry the opinion war into greater factual reality.

You must also largely ignore “Cracker Jack and Jill LLP” East Coast lawyers who tell us what their interpretation of National Standard applicability should be, for their sake of their client. Like with the First Amendment and others, all the NS’s are to be taken “in balance.”

This is not an “allocation” of “fishery privileges” issue, because allocations of target species are distinct from and incidental harms via bycatch to target species among players. You are not required to award harms to the ecosystem and resource, as that idea of bycatch allocation is as foolish as carbon credits, and will fail in kind, too.

You must not be fooled by economic wording and incorrect thought. Total value already includes Value Added and Labor and much more. You cannot double count, as the Amendment 80 protectors have done. Their job multipliers are not at all in line with reality of “island economy multipliers” – as I’ve told you before, as a creditable input/output economic modeler in national agriculture. None of these people know what they are talking about and use those false presumptions as more lies to twist your voting arms and pens.

Can you smell the politics as we do – when you see all the letters copied to multiple Congressional offices in Washington DC. You should be equally insulted. These A80 protectors want to blindside with public relations language and deception, as they weave their drama of disaster economics.

You must count all of the benefits and costs to all the sectors when weighing regional economic model problems, events, shocks (positive and negative), and also grasp the export value of CP flatfish species may be far lower than a corrected policy benefit in halibut that actually stays in the USA markets and has far more consumer value, and value added job creation. It has never been measured but as a former industry cost engineering analyst, and I/O economist, and knowing the accounting systems, please trust my credibility. Open all their books to public scrutiny (it is public fish, and there is a social contract, correct?) and we will then find out.

So please ignore self-interest letters of those who do not actually fish. Make the A80 executives take the public table for themselves so you may grill actual human beings, not inhuman corporate entity names. We face you, so can they. The letters from individuals, especially hand written ones, from recreation and halibut sport and commercial fishermen are far more useful and honest.

Let me make some points representing Groundswell stances on this issue. We favor:

- Reducing BSAI halibut bycatch by 50% then step the next year to parity (70%)
- Close the tendering loophole.
- Enact full (“200%”) observer coverage for the trawl CPs that coincide with deck sorting with scales on deck and related system wide bycatch accounting solutions.
- Sanction all FALSE TESTIMONY, or at least make an example of the Petitioners who began the vitiation — the spoiling or impair to quality or efficiency of; destructing legal validity — leading to the debasing and corrupt public comments by underinformed businesses who fell victim to this duping. Forgive them, prosecute the originators.

We personally know many decent managers and players in the Amendment 80 fleet, and are astounded at how the corrupt petition came into play. But, greed and a lack of morals will do that — as I told you in April, they will lie boldly: until you stop them.

We agree with many letters from community public officials, at least to their honorable lobbying, even if we ask for greater reduction. And we agree with those who wrote the intelligent recreational fisheries letters, that you, essentially saying:

Please show Alaskans that you care about the communities and the halibut resource and take significant action to reduce the Bering Sea bycatch limits for halibut, in the Trawl CP and other sectors to a level that provides opportunity for the rest of us and protects the millions of juvenile halibut from being caught and discarded – wanton waste.

It is time for more appropriate conservation, sustainability, and basic family and community users rights to be foremost, and for halibut consumers to be fully considered.

Sincerely,

Stephen Taufen, Groundswell Fisheries Movement, Kodiak, AK [staufen@seanet.com](mailto:staufen@seanet.com)

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5/26/2015

• • •

Kent Barkhau  
123 Riggs Rd  
Sitka, AK 99835

North Pacific Fisheries Management Council

Mr. Chairman and members of the North Pacific Fisheries Management Council:

My name is Kent Barkhau. My wife, two school age sons and I provide for ourselves and help support our community of Sitka by trolling and longline fishing. We have been making continuous investment in IFQ quota share since the program inception and have always viewed this investment as long term. As you all know there have been steep reductions in the directed IFQ halibut fishery in the last ten years. We have endured these reductions and supported the science used to define the need for these reductions. Above all is our commitment to the conservation of the halibut resource itself, and the opportunities a healthy resource can provide in the future.

I must admit that I was not paying close enough attention to what was happening with trawl bycatch as our directed fishery has stepped own over the last ten or so years. I ask myself how could we have stood by watching the directed fishery experience such reduction and not done something about such massive bycatch in non-directed fisheries. To the point where the current bycatch allowed can far exceed the directed fishery over a broad area of the BSAI. How could we have watched a 63% reduction in directed fisheries landings in the BSAI and not have demanded at least an equal reduction in bycatch mortality? To me this does not make logic since, it only makes since when looked at as a fight between the big money industrial interests versus the marginalized individual. So, I really feel for those BSAI directed halibut fisherman and the position they find themselves in. The numbers do not lie. One of the numbers that I really find astounding is total halibut bycatch killed and discarded of 97.3 million pounds (2005-2014)!

But those numbers are not the whole story. Nor are the impacts of this bycatch only to those BSAI fisherman. The bycatch mortality of all these juvenile fish can have no other than negative effects on the ability of stocks to rebuild coast wide, negatively affecting directed fisheries and the dependent communities in all areas. To not view the removal of juvenile fish at this great scale as a conservation concern requiring significant regulatory action is hard for me to believe. Again, the only way I can see to explain this is in the favoring of big money industrial interests

123 Riggs Rd

• • •

over the small boat fisherman. And worse, favoring the big money over the health of the halibut resource itself.

I think it is clear in the Magnuson-Stevens Act and amendments that Congress has directed the Councils to reduce bycatch and there is some serious catching up to do in the Bering Sea trawl fisheries. I support at least a 50% reduction in halibut bycatch levels for the Bearing Sea trawl fisheries. Thank you for your consideration.

Sincerely;

Kent Barkhau  
123 Riggs Rd



**World Wildlife Fund-US**  
406 G St, Suite 301  
Anchorage, AK 99501  
  
Main Phone: 907-279-5504  
Fax: 907-279-5509  
  
[www.worldwildlife.org](http://www.worldwildlife.org)

May 26, 2015

Chair Dan Hull  
North Pacific Fishery Management Council  
605 W. 4th Avenue, Suite 306  
Anchorage, Alaska 99501

RE: Bering Sea Halibut PSC: Agenda Item C-2

Dear Mr. Hull and Council members:

Thank you for the opportunity to provide comments on the final selection of Pacific halibut prohibited species catch (PSC) caps that will be implemented in the Bering Sea. As a global organization with over 5 million members, World Wildlife Fund (WWF) has identified bycatch as a leading conservation problem and aims to reduce bycatch by working with fisheries and helping develop and promote new technologies and gear for more efficient operations. Halibut bycatch taken in Alaska can and should be reduced using excluder devices, reducing bottom contact, and other techniques and gear modifications. The Amendment 80 bottom trawl fleet has shown that it is possible to reduce halibut bycatch using these methods, and deck sorting is another tool that is being developed and could soon be utilized fleet wide.

**WWF urges the Council to reduce halibut bycatch by at least 35% or more.** Halibut feeds not only people around the world, but also communities and marine life in the Bering Sea, Gulf of Alaska, British Columbia and the west coast of the US. Commercial, recreational, and subsistence halibut fishing support the lives and livelihoods of many Alaskans and is an iconic fish for our region.

For these reasons, the Council should make every effort to reduce the amount of halibut that is taken as bycatch and discarded dead. National Standard 9 in the Magnuson-Stevens Fishery Conservation and Management Act states that bycatch and bycatch mortality shall be minimized to the extent practicable. The halibut PSC caps for all fisheries are currently set too high to be meaningful. The reductions in bycatch should be more than symbolic. For example, a halibut bycatch cap reduction of 10% in the Amendment 80 bottom trawl fishery would be a reduction on paper only, because that fleet is already consistently coming in at 20% under its cap. To make actual reductions in halibut bycatch, the cap for each fishery should be less than the current PSC taken by that fishery. As stated above, WWF recommends that the Council reduce halibut PSC by at least 35% or more.

Pacific halibut biomass has been declining since the 1990s, and the halibut growth rate (or size at age) is at the lowest level since the 1920s. Those two trends, coupled with a shockingly high PSC take (5.7 million pounds in 2014, which included a large portion of juveniles in the Bering Sea Aleutian Islands), are cause for alarm and call for the Council to take urgent measures to reduce halibut PSC by at least 35% or more.

Several of the fisheries that take halibut PSC are also Marine Stewardship Council (MSC) certified and should be models of sustainability. Council action to reduce halibut PSC will aid those MSC certified fisheries in retaining their certifications under the new MSC standards. The directed halibut fishery is also MSC certified, and that fishery will remain sustainable and operational only if other sources of mortality are under control.



**World Wildlife Fund-US**

406 G St, Suite 301  
Anchorage, AK 99501

Main Phone: 907-279-5504  
Fax: 907-279-5509

[www.worldwildlife.org](http://www.worldwildlife.org)

WWF urges the Council to reduce the halibut PSC levels by at least 35% so that halibut savings are real and will meaningfully reduce the conservation concerns. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Heather V. Brandon". The signature is written in a cursive, flowing style.

Heather Brandon  
Senior Fisheries Officer  
WWF US – Arctic Field Program



**Subject:** C2 Bering Sea Halibut PSC

**From:** "Patricia Phillips" <pacific@hughes.net>

**Date:** 5/26/2015 5:00 PM

**To:** <npfmc.comments@noaa.gov>

**CC:** <Ephraim\_froehlich@murkowski.senate.gov>, <erik\_elam@sullivan.senate.gov>, <bonnie.bruce@mail.house.gov>, <alfa.staff@gmail.com>

To: North Pacific Fishery Management Council

I am writing in support of the NPFMC taking action to reduce halibut bycatch caps in the Bering Sea by no less than 50%! I live in Pelican, Alaska. My family longlines halibut and sablefish and commercial fish for salmon - this way of life and the knowledge learned from years of fishing is shared with generations of fishermen in our family. We are residents of Alaska who commercial and subsistence fish using traditional fishing practices learned from years of experience. The social and cultural ties of these fishermen, substantially dependent on and engaged in the traditional harvest of halibut to meet their social and economic needs, are being displaced by mega-scale groundfish industry vessel bycatch.

We have commercially fished for halibut since well before the IFQ fishery. Enduring the shifting seasons - from year-round to one day derbies and now; annual quota shares intended to conserve a supposedly "sustainable" fishery. Regulated harvesters, the commercial and sport fish sectors, have endured allocation wars to keep their piece of the halibut "pie". Having attended previous NPFMC and IPHC meetings and reading agency literature - my observations are that the "Council" develops regulations for the protection of the resource, but then the "Council" has not been effective in preventing the overharvest of bycatch of valuable fishery resources - including halibut - a traditional fishery that coastal communities depend upon. The IPHC has documented the eastward migration of the halibut resource, replenishing halibut coast-wide - from the Bering Sea/Aleutian Islands across the North Pacific to Canada and Washington/Oregon. Reducing Bering Sea bycatch allows greater numbers of halibut to migrate coastwide - increasing halibut populations for subsistence and commercial harvest.

While the IFQ halibut fishery/sport fish sector have contributed significantly to efforts to conserve the halibut resource; the groundfish fleet in the Bering Sea continues on without encumbrances, damaging the efforts of conservation of the halibut resource that has long been a major source of employment and contributes significantly to the economies of communities along the North Pacific Ocean. The resource is not so resilient to withstand the level of bycatch that the Bering Sea groundfish fleet takes.

Reducing halibut bycatch caps in the Bering Sea by no less than 50% will give the halibut fishery and the communities that depend on the resource, the trust in a management system that looks out for their continued economic sustainability and most importantly the conservation of key fishery resource. The "Council" should not prioritize bycatch over already established harvests, especially when there are management provisions to maintain the long term health of juvenile and mature halibut populations. The NPFMC is responsible for preventing the over harvest of halibut bycatch. The efforts to rebuild the halibut resource will achieve measureable and significant improvements when Bering Sea groundfish fishery has significantly reduced bycatch to match efforts accepted by the IFQ/sport fish sectors for the conservation and management of the halibut resource.

Thank you,

Patricia Phillips  
Pelican, Alaska 99832



Ph. 206.284.2522  
2303 W Commodore Way Suite 202  
Seattle, WA 98199  
[www.freezerlonglinecoalition.com](http://www.freezerlonglinecoalition.com)

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May 26, 2015

Mr. Dan Hull, Chairman  
North Pacific Fishery Management Council  
605 West 4th, Suite 306  
Anchorage, Alaska 99501-2252

**RE: C-2: BSAI Halibut PSC Catch Limits**

Dear Chairman Hull:

Thank you for the opportunity for the Freezer-Longline Coalition (FLC) to submit comments for the Council's consideration regarding BSAI halibut PSC cap limits. These comments are in response to the Public Review Draft of the Council's analysis of BSAI PSC released on May 14, 2015.

**About FLC.** The FLC represents the owners and operators of over 30 U.S.-flag vessels that participate in the freezer longline sector of the Pacific cod fishery in the Bering Sea and Aleutian Islands. FLC member vessels range in size from approximately 110 to 185 feet with a gross tonnage of approximately 140 to 1400 tons. The mission of the FLC is to promote public policy that facilitates the sustainable and orderly harvest of Pacific cod and other groundfish species. All members of the FLC who participate in the BSAI Pacific cod fisheries are also members of the Freezer Longline Conservation Cooperative (FLCC), a voluntary cooperative established in 2010. The mission of the FLCC is to sustainably manage the quota allocated by the Council to the freezer longline sector of the BS and AI Pacific cod fisheries. FLCC and its members work collaboratively with NMFS to ensure the efficient and responsible harvest of the Pacific cod quota allocated to the sector, including maximizing optimum yield in the fishery and minimizing bycatch of other species.

The FLC and its members take seriously our responsibility to be stewards of the environment and the resources that inhabit the waters we fish. Our members are Alaskans and Washingtonians who have spent their careers living and working in Alaskan communities. We understand the reliance of Western Alaskan communities on the Bering Sea and share an interest in sustaining its resources for all of us to continue to harvest now and in future generations. We believe the FLC and the CP H&L sector has been a long-term part of the solution by reducing bycatch mortality and DMR rates for over twenty years (see appendix). Our sector has a long history of voluntary implementation of monitoring and practices that have successfully reduced halibut

mortality. The FLC has continued that legacy – the CP H&L sector was the only sector to have met the Council mandate in both reduced both mortality and rate in 2014 (compared to the 2009-2013 average).

**Apportionment to the non-CDQ non-trawl sector.** In response to the discussion in the analysis, the FLC supports continuation of the status quo PSC apportionment method that provides the most flexibility for the non-trawl sectors.

*P. 43: “To implement the non-trawl PSC limit reductions under Alternative 2, NMFS could maintain this more flexible approach to apportioning halibut PSC among sectors by specifying in regulation only the total non-CDQ, non-trawl PSC limit. ...Under this approach, the halibut PSC limits for the hook-and-line Pacific cod CV, hook-and-line Pacific cod CP and hook-and-line other target fisheries CV and CP sectors would not be specified in regulations.”*

**The FLC and CP H&L fleet has a long history of reductions in halibut bycatch mortality.** Reducing halibut mortality has been a priority in the CP H&L fleet for over twenty years and has become standard operating procedure in vessel management in the fleet. The internal monitoring and reporting program has been highly successful (see appendix).

From 1994 to 2014, halibut mortality has been reduced **-58%**, the actual discard mortality rate has been reduced **-47%**, and the encounter rate has been reduced **-41%**.

In **1994**, the halibut bycatch mortality in the non-CDQ BSAI groundfish fisheries was **80%** trawl and **20%** hook-and-line. In **2014**, the halibut bycatch mortality in non-CDQ BSAI groundfish fisheries is was **87%** trawl and **13%** hook-and-line.

In **2014**, the non-CDQ CP H&L cod sector accounted for **11%** of the total halibut mortality in the BSAI by all sectors.

In short, what the FLC and CP H&L fleet have been doing to reduce halibut bycatch mortality has been working. These long term incremental reductions were achieved as a result of a self-imposed bycatch reduction monitoring and careful-release program beginning in 1992.

The point is that these bycatch reductions were achieved voluntarily by the CP H&L fleet and not mandated by a change in regulations. The motivation in the CP H&L sector has been to steadily improve performance in bycatch reduction (and **not** merely to operate just below the PSC cap level). The assumption that bycatch reduction can only be achieved by a constraining PSC cap has simply not accurate for this sector.

For example, in the GOA since the halibut PSC cap revisions were implemented in 2012, the CP H&L sector has used on average 49% (57 mt) of the PSC cap (115 mt). Again, the cap itself has not been the primary motivation in reducing halibut bycatch mortality for the CP H&L sector.

**Economic considerations: The CP H&L cod sector has the highest value per mt of all groundfish targets and value per mt of halibut PSC (excluding pollock).**

- The highest value per metric ton of BSAI groundfish is longline caught cod at \$3560 per mt<sup>1</sup> (2007-2013 average) – more than 2.72 times greater than all other targets (pollock included).
- Of the fisheries under a PSC hard cap (which excludes pollock), the highest value per metric ton of halibut PSC is also in longline cod (\$316 K per mt for non-CDQ<sup>2</sup> and \$460 K per mt for CDQ<sup>3</sup>).
- The cost-to-benefit ratios of the options under Alternative 2 range from **6.4 to 1** up to **9.5 to 1** (in terms of the ratio of cost to CP H&L sector to benefit to the halibut fleet, in DPV wholesale revenue).<sup>4</sup>
- A reduction of 50 mt (round weight) of halibut bycatch for the CP H&L sector would theoretically increase (in O26) the combined 2014 FCEY for all of Area 4 (ABCDE) by **+1.5%** (+55,382 net lbs) - and for Area 4CDE alone, **+2.2%** (or 28,245 net lbs). The same 50 mt of halibut bycatch (at the rate of 2.53 kg halibut mortality per mt of groundfish, the 2014 CP H&L actual rate) would generate **19,763** mt of p-cod harvest by the CP H&L sector. If the p-cod harvest was foregone, at ex-vessel values (\$1700/mt cod and \$4.47/net lb halibut), the cost to benefit ratio would be **135 to 1** (\$33.6 M to \$248K).
- The same increases in the 2014 Area 4 FCEY (+1.8%) and 4CDE FCEY (+2.2%) could also be achieved if the directed halibut fishery reduced its current DMR (discard mortality rate) of 16% to the same level of DMR that the CP H&L fleet achieved in 2014 (7.9%).

**Due to having a long history of bycatch reductions in the CP H&L sector, additional incremental reductions will be of a decreasing magnitude and of an increasing cost per unit of reduction to achieve.** In bycatch reduction efforts, it is normal for initial behavioral changes to result in larger bycatch reductions (i.e. low hanging fruit), but subsequent incremental reductions in bycatch become increasingly more difficult to achieve (and at higher costs).

The analysis gives qualitative acknowledgement that the CP H&L sector has achieved bycatch reductions over a long period of time and has been operating at low bycatch levels. (p. 27) *“For longline CPs, the fact that Scenario A and B are closer to the last-caught-first-cut catch progression line may be an indicator that the longline CPs are already operating in a manner that keeps PSC mortality at relatively low levels.”*

<sup>1</sup> P. 129, Table 4-2 BSAI PSC Public Review Draft: wholesale nominal values per metric ton, 2007-2013 average.

<sup>2</sup> P. 316 and p. 187, BSAI PSC Public Review Draft

<sup>3</sup> P. 208, Ibid.

<sup>4</sup> P. 22, Table ES-2, using the mid-point of mean average annual values.

However, in modeling behavioral change to bycatch reductions, the analysis does not recognize that sectors with a long history of bycatch reduction (prior to the model base years) will have more difficulty and higher operational costs to achieve further incremental reductions (as opposed to sectors with whose bycatch reduction efforts have been more recent or of a lower proportional reduction).

**Unrealistic assumption under Scenario A and B.** Both Scenarios A and B assume the FLC coop can mitigate bycatch reductions by shifting effort to months and areas with lower encounter rates. However, the ability to shift effort is limited in the CP H&L sector particularly among months:

- Movement to months of lower encounter rate (as in the A season) is hampered by the current BSAI p-cod SSL A/B apportionment of 51/49 for the CP H&L fleet.
- Vessels are already fishing 9-10 months a year (p. 180, Table 1-50).
- While April and May have lower encounter rates, the p-cod are of lower quality immediately following spawning (mid-April through May).
- The longline fishery is not a pulse fishery but a low-and-slow fishery and cannot simply concentrate the majority of harvest in a few months or in a few discrete areas.
- The longline cod fishery is the most widely spatially distributed fishery of all BSAI sectors (p. 78). This is the nature of the fishery – it is not a fishery where you wait in line to take a tow or make a set. Some effort can be spatially dispersed from areas of high bycatch – but there are practical limitations.

**Fisheries that historically fish late in the B season will need to maintain a higher buffer between PSC use and PSC cap (i.e. cap becomes more constraining).** Scenario B assumes that each vessel or company will maintain and hold back a 5% buffer as to not prematurely run out of PSC before the end of the year. This is the likely scenario within CP H&L sector. However, given the late-year seasonal use of PSC in the sector, it is more likely the buffer would need to be 10% and for the entire sector.

The encounter rates in the B season on average are twice the rates in the A season. The CP H&L cod fishery is frequently prosecuted well into December; therefore a vessel (or a company or the entire sector) would need to hold back a sufficiently large enough PSC buffer to account for uncertainty in usage - or simply forego harvest if PSC is used up.

Due to the higher rates in the B season (and the 51/49 apportionment); the CP H&L fleet will likely have to maintain a 10% reserve buffer late into the B season as to not forego harvest. Any cap would then become constraining at 90% of it level. In the interest of parity, the halibut IFQ holder is allowed to go 10% over their individual IFQ allocation in a year (and carry a 10% underage or overage forward).

**DMR Revisions could have a large impact on hook-and-line fisheries.** The IPHC has indicated that it will be re-evaluating discard mortality rates and survivability beginning in 2015. This could have large impact on the estimate of wastage in the halibut fishery and PSC use in the groundfish longline fisheries.

P. 70: *“Once the results of any improved estimates of DMR are available, the IPHC will adjust their calculation of the survivability of halibut with different injury codes and release conditions. Any factor that changes the calculation of DMR for a fishery has a big impact on the estimation of PSC mortality from that fishery, equivalent to a comparable reduction in halibut encounters. The impact could be larger for longline fisheries, although the majority of halibut they encounter are observed as having a minor injury, because they encounter a large number of halibut.... As a result even a small change in the percentage mortality associated with this category (currently 3.5 percent) has the potential to make a big change in the estimated total PSC mortality attributed to this sector.”*

Considering the large impact of these viability studies may have on groundfish longline sectors, the FLC requests that the Council takes this into account when considering the options for cap reductions.

Additionally, as these survivorship studies will have great impact on the groundfish longline sectors, the FLC requests that the Council recommend that these studies be a joint IPHC/AFSC study. Minimally, the scientific design of the study should be brought before the SSC for review (similar to the Council’s request for SSC review of SPR and deck-sorting research).<sup>5</sup>

**There exists considerable uncertainty in the management of the halibut fishery.** It is not evident that the issues and problems in the directed halibut fishery in Area 4 will be resolved by simply re-allocating resources from the groundfish fisheries to the directed halibut fishery. While reallocation may provide limited short-term relief, long-term solutions are needed that address the root of the problems faced by the directed fishery. Many of the issues in the Area 4 halibut fishery can be attributed to management decisions by the IPHC over fourteen years.

- From 2002-2013, the IPHC significantly overestimated the coastwide exploitable biomass<sup>6</sup> by 40%/yr on average (and by as much as +80% in 2010 and 2011).
- As a result, coastwide target harvest rates were exceeded 2003-2014 (by as much as 90% in 2010).<sup>7</sup>
- From 2002-2012, the coastwide halibut fishery was at or beyond the overfishing level (F35) in terms of fishing intensity. The halibut fishery was below F30 from 2004-2010, and bottomed out at F25 in 2007 and 2008.<sup>8</sup>
- The coastwide halibut fishery was above F40 in 2014 and 2015. However, blue line catch limit recommendations were exceeded in 2013-2015 by 22%/yr.<sup>9</sup>

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<sup>5</sup> Item 2, Council B-1 Status report on 2/5/15 NPFMC/IPHC meeting issues

<sup>6</sup> P. 52, BSAI PSC Limits Public Review Draft and IPHC RARAs 2001-2015.

<sup>7</sup> P. 61, Ibid.

<sup>8</sup> P. 53, Ibid.

<sup>9</sup> P. 53. Ibid.

- IPHC catch limit recommendations (blue line recommendations) were frequently exceeded, but in some areas more than others such as 2B (Canada, 8 times in 10 years; 12 times in 17 year) and 4CDE (5 times in 10 years, 8 times in 17 years). In some years, the catch limits in 4A, 4B, and 4CDE were set from 56% to 134% above the staff recommendation.<sup>10</sup>
- As a result of the over-estimation of biomass, and the repeated setting of FCEY above staff recommendation, Area 4CDE has been above the target harvest rate from 2005 through 2014 (by as much as +110% in 2009). Area 4A has been over the target harvest rate from 2006-2012 (by as much as +85% in 2008). Area 4B has been over the target harvest rate 2003-2014 by as much as +75% in 2011.
- These high harvest rates and high catch limits in Area 4 coincided with the same time period when both the survey and fishery WPUEs were in sharp but steady decline. From 2002 to 2014 in 4CDE, survey WPUE declined -58%; fishery WPUE in 4C declined -59%; and fishery WPUE in 4D declined -68%. In Area 4A, survey WPUE declined -68%; and fishery WPUE declined -67%. In Area 4B, survey WPUE declined -58%; and fishery WPUE in 4B declined - 31%.<sup>11</sup>
- The DMR in the Alaskan halibut fishery is still 16% with no improvement after 20 years of rationalization in the fishery.

The FLC understands the importance of the Area 4 halibut fishery to the EBS communities and other communities.<sup>12</sup> However, it is unlikely that reallocation of halibut PSC alone will address the underlying issues for the directed halibut fishery in Area 4.

Thank you for your consideration of these comments.

Sincerely,



Chad I. See  
Executive Director  
Freezer Longline Coalition



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<sup>10</sup> P. 61, Ibid.

<sup>11</sup> IPHC 2014 RARA, Table 1 and Table 5.

<sup>12</sup> P. 371, BSAI PSC Limits Public Review Draft. 53% of IFQ QS ownership in Area 4 is non-Alaskan.

## **Appendix: FLC Halibut Bycatch Monitoring and Reduction Program**

Reducing halibut mortality has been a priority in the CP H&L fleet for over twenty years and has become institutionalized as a standard operating procedure in vessel management in the fleet. The monitoring and reporting program has been highly successful in motivating vessels to take pro-active action to reduce halibut encounter rates and discard mortality rates (DMRs).

From 1994-2014, halibut mortality has been reduced -58%, the DMR rate has been reduced -47%, and the encounter rate has been reduced -41%. In short, what the FLC and CP H&L fleet has been doing to reduce halibut bycatch mortality, has been working.

While information about methodologies for bycatch reduction have been formally and informally exchanged within the fleet, at the individual boat level the captains and managers use various combinations of approaches. The variety in approaches is due to factors such as the unique configuration of each vessel and each company's fishing strategy. Examples of the factors regarding encounter rate include: area fished, soak time, hook-spacing, length of set, depth, and night or day setting. Examples of the factors regarding DMR include: avoidance of sand flea areas, soak time, and employment of various careful release in hook removal techniques.

The BSAI freezer-longline sector began efforts in 1992 to monitor and reduce halibut bycatch. At the individual boat level, managers were informed of recent-past and current halibut encounter rates and their boat(s)' relative standing as far as bycatch rates. A significant component is that vessel performance within the fleet is not anonymous.

Also in 1992, Fisheries Information Services (FIS) developed a detailed spatial and seasonal analysis of longline halibut bycatch (funded by a Saltonstall-Kennedy grant and based on observer data). This report was made available to the fleet and has been updated and revised in 2007 and 2015.

### **Chronology**

1991: Implementation of halibut PSC limits for BSAI groundfish trawl, longline, and pot fisheries.

1992: NPLA (North Pacific Longline Association) contracts with FIS (Fisheries Information Service) to monitor halibut encounter rates and discard mortality rates for the CP H&L fleet in the BSAI and GOA. Initially, the vessels faxed the observer deck sheets (with encounter rates) to FIS. In order to obtain observed DMRs, FIS had to file FOIA (Freedom of Information Act) requests for raw data sheets.

1993: CP H&L sector voluntarily implements "careful release program" designed to improve handling practices of halibut and reduce discard mortality (see poster).

1994: Weekly reports are expanded to include individual vessel encounter and DMR information by set (by then available as part of downloadable observer database).



1995: NMFS begins posting vessel specific PSC rates for all observed vessels. FIS begins providing weekly rate estimates compiled from observer data and NMFS reports.

1998: Weekly seabird report initiated; summary includes takes by boat (coded) and rank. In 2011, report changed to takes by boat name and rank.

2010: FLC voluntary coop established. FLC membership agreement includes specific language on the management of PSC catch by members, including stiff penalties for exceeding limits on PSC catch established by the cooperative. Membership agreement specifically states that the forfeiture amount for each metric ton or part thereof by which a Member's halibut PSC harvest exceeds such Member's corresponding BSAI halibut PSC share shall be an amount calculated by multiplying the then-current P-cod Base Value by 100. For some perspective, the forfeiture amount for a Member exceeding their P-cod share is only three times (vs. 100) the P-cod Base Value.

2010: FLC quota manager hired to monitor harvest rates of P-cod and PSC allocations to freezer longline sector. FLC begins practice of holding back from members 50 mt of halibut PSC allocated by NMFS to sector in Fall each year to help conserve resource. Halibut only released to members at end of year if needed.

2010: FLC contracts with Sea-State, which provide access to regularly updated catch data produced on targeted and bycatch species, including halibut.

2010: FLC vessels become voluntarily 100% observed in both the GOA and BSAI. Members were required to accept observer coverage on their vessels as a component of membership in the FLCC.

2011: FLC begins hosting an annual informational symposium for officers and crew on fishery management actions at Council and other developments impacting their operations including reports on halibut DMR from FIS. FLC members train all crew on careful release practices for handling PSC species to enable them to return to the sea minimally affected by their encounter with our boats.

2012: FLC observer coverage modified to be 100% plus the addition of flow scales (or two observers). All but one vessel installed flow scales (and that vessel carries two observers).

2014: FLC establishes an internal Halibut Bycatch Committee. Committee is the most active FLC committee, with seven meetings in the past year. Committee members also correspond regularly by email and phone to review bycatch reduction efforts by fleet and consider additional FLC actions.

#### **Individual FIS reports:**

- 1.) Fleet: Weekly BSAI report to the fleet on cod catch and halibut bycatch with vessels ranked by encounter rate (not anonymous, see attached).
- 2.) Fleet: Weekly GOA report (as above).
- 3.) Fleet: Weekly seabird report (not anonymous).

- 4.) Fleet: Weekly (and year-to-date) actual observed aggregated DMR for the fleet: by BSAI, GOA, CDQ, and target.
- 5.) Company: Weekly report of individual vessel by sampled set of halibut release condition for each set. FIS determines if any high rates are anomalies, data issues, or represents a trend. Companies are alerted if a trend is developing that needs to be corrected.

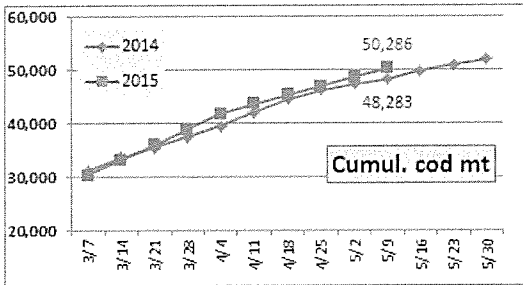
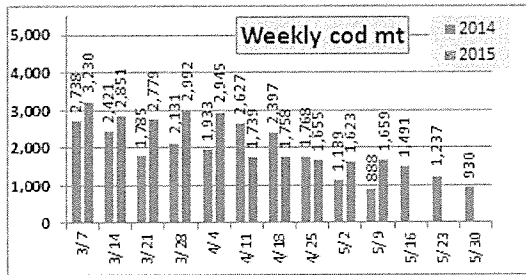
**Weekly FIS report to fleet on BSAI cod catch and halibut bycatch**

*Fisheries Information Services*

Phone 541-602-1609 E-mail Janet.Smoker10@gmail.com

To: PARTICIPANT, FLC MONITORING PROGRAM  
 Fm: Janet Smoker, FIS  
 DATE: May 15, 2015 Note: Below is total mortality

BSAI Halibut seas. cap: cumul. catch as of 5/15.  
 H&L CPs: 105 mt of 455 mt cap (2014 comp. 159 mt)  
 H&L CVs: 1.4 mt of 10 mt cap (2014 comp. 4.7 mt)  
 Graphs below are for H&L CP cod (not incl. CDQ).



Halibut rates on H&L boats: Cod target  
 Week ending 5/09. Includes CDQ.

BOAT	RATE	RANK
BRISTOL LEADER	0.5	1
NORTHERN LEADER	2.2	2
ALASKAN LEADER	5.1	3
BLUE PACIFIC	6.7	4
PROWLER	10.2	5
BEAUTY BAY	14.1	6
DEEP PACIFIC	20.3	7
COURAGEOUS	22.8	8
BERING PROWLER	22.9	9
ALASKAN LADY	24.7	10
U S LIBERATOR	24.9	11
BLUE ATTU	28.8	12
BLUE BALLARD	35.5	13
SIBERIAN SEA	50.5	14

Note: Above is encounter rate (kg/MT) by vessel and rank (not mortality rate)

Table below shows H&L, week 5/09. Incl. CDQ.  
 C= confidential. Numbers in red are my estimates.

FA	SECT	GF mt	HLBT kg	RATE	HMORT
513	CP	842	27,156	32	2.4
517	CP	C	3,057	32	0.3
518	CP	C	581	50	0.1
519	CP	C	285	31	0.0
521	CP	1,334	12,428	9	1.1
BSAI	CP	2,293	43,507	19	3.9

Note: Above is encounter rate & total mortality by NMFS area.

Please do not distribute outside FLC participants

BSAI catch by gear through 5/09. Includes CDQ.

SPECIES	H&L	NPT	POT	PTR	TOTAL
PCOD	60,126	47,993	20,002	3,847	131,968
FLCK	2,550	20,388	19	502,791	525,748
TR FF	648	88,128	55	4,093	92,924
GTRB	4	100	0	26	130
AMCK	6	21,869	1	61	21,937
SR/RE	17	34	0	2	53
OTH RK	91	5,804	2	184	6,081
SABL	99	12	0	0	111
SKATE	9,381	1,038	0	555	10,974
SHARK	16	2	0	10	28
SCLP	923	959	100	138	2,120
OCTP	25	6	109	5	145
SQID	0	29	0	54	83
TOTAL	73,886	186,362	20,288	511,766	792,302

Blue King Crab BSAI H&L CP

from car250\_psc\_crab

Total through 5/09: 22








WED AREA	BKC#
3/7	513 7
4/18	513 6
5/02	513 9

**NPLA Careful Release Program Placard**




# DON'T DESTROY YOUR LIVELIHOOD!

## *Help Keep Halibut Bycatch Alive*

### DO:

-  Try to **RELEASE** the halibut before it is brought on board.
-  **UNHOOK** the halibut by pulling on the hook with a gaff using a twisting motion, or--if that doesn't work--cut the gangion.
-  **ASK** someone to show you if you don't know how.
-  **STOP THE HAULER** if you can't release the halibut before it reaches the crucifier.
-  **RETURN** halibut to the water as quickly as possible. Don't let valuable fish pile up in a checker.
-  **KEEP** tagged halibut for an observer to examine.
-  **COOPERATE** with observers. When instructed, allow an observer to sample the halibut bycatch.

### DON'T:

-  Gaff halibut anywhere in the head or body.
-  Run halibut through a crucifier. This kills twice as many fish.
-  Unhook halibut by horning or slamming the fish against the side of the boat.

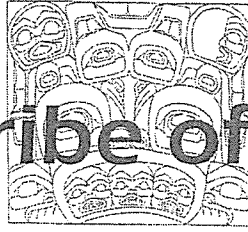
The North Pacific Longline Association is dedicated to the protection of our fishery resources and the livelihood of those who fish for a living. Too many halibut deaths can shut down our fishery.

Do your part. Help keep halibut bycatch alive.

*The future of the North Pacific longline fishery  
is in your hands.*

North Pacific Longline Association  
4209 21st Avenue West, Suite 300  
Seattle, WA 98199

# Sitka Tribe of Alaska



Tribal Government for Sitka, Alaska

May 21, 2015

North Pacific Fishery Management Council  
605 West 4th, Suite 306  
Anchorage, Alaska 99501-2252

**Re: Bering Sea/Aleutian Island trawl fisheries halibut bycatch limits**

Dear Council Members:

I write on behalf of Sitka Tribe of Alaska (STA), tribal government for over 5,000 tribal citizens located in Sitka, Alaska. As a tribal government, STA is responsible for health, welfare, safety and culture of its citizens. STA respectfully submits the following comments regarding halibut bycatch in the Bering Sea/Aleutian Island (BSAI) trawl fisheries.

In 2014 the BSAI trawl fisheries discarded over 1 million halibut (5 million pounds) as bycatch. These numbers show how wasteful, irresponsible, and disrespectful these fisheries are towards this invaluable resource. This staggering amount of bycatch has a profound effect on Pacific halibut stocks and the other user groups that depend on them.

The majority of coastal communities and federally recognized Native tribes in Alaska qualify to subsistence harvest halibut under 50 CFR 300.60 - 300.66, Subpart E — Pacific Halibut Fisheries. A large percentage of the households from these communities and tribes depend heavily on subsistence harvested halibut for survival. Current halibut bycatch levels of the BSAI fisheries have an impact on the subsistence harvest and could significantly impact the ability of subsistence harvesters to meet their needs.

STA requests that the Council reduce the BSAI halibut bycatch limits by 50 percent to protect halibut stocks and other users that depend on them. This reduction would lead to greater economic value for directed fisheries and provide a greater opportunity for subsistence needs to be met.

If you have any questions regarding these comments contact STA Resource Protection Director Jeff Feldpausch at (907)747-7469 or email [jeff.feldpausch@sitkatriben-sn.gov](mailto:jeff.feldpausch@sitkatriben-sn.gov).

Sincerely,

Michael Baines  
Chairman

North Pacific Fishery Management Council — 224th Plenary Session

June 1 – 9, 2015 — Centennial Hall; Sitka, Alaska

**Shawn Dochtermann — Public Comment for the Official Record**

**PO Box 866 Kodiak, AK 99615**

E-submit: npfmc.comments@noaa.gov

**C2 - HAL 15-023 Final Action - BSAI Halibut PSC Limits**

Chairman Hull and NPFMC members,

My name is Shawn Dochtermann and I reside in Kodiak, Alaska and have been a long term commercial halibut fisherman with 36 years invested which is the majority of my life time at 51 years old. I have fished from the Gulf of Alaska (East) to Amchitka Island (West) and all the way to St. Matthew Island (North) and held quota/hold quota in all the areas. I'm writing to you in the Final Action of the issue of BSAI Halibut PSC Limits and requesting that you take action by reducing the draggers/trawlers halibut bycatch by 50%.

The reason for reducing the bycatch of halibut PSC is simple:

1. The directed commercial halibut fishery has been reduced by 70% in the last 14 years. The economic devastation has not only taken place in Bering Sea (BS), as the whole North Pacific Ocean has taken the hit since the BS is known as the juvenile rearing grounds due to it's shallow bottom bathymetrics. When the juveniles are the majority of the bycatch it's decimating 10's of years future halibut for future catch by the directed halibut fishery.
2. The trawl fishery has enjoyed not reducing their halibut bycatch for almost 20 years in the BSAI so it's high time that it be reduced before more damage is done to future stocks of halibut.
3. The biomass of halibut has be exponentially reduced by hard on bottom dragging and not only the directed commercial halibut fishermen are suffering, the subsistence and sport halibut fishermen are being damaged as well from the Point Barrow Sea to the Southern border of CA.
4. The NPFMC has allowed the trawlers in the BSAI to kill/destroy over 4 million pounds of halibut every year for 20 years and majority of the bycatch is 4 ½ to 5

pound fish which means millions more pounds are being removed from the equation if one was to estimate that the majority of those juveniles were to live another 10-25 years.

I have spent the majority of my life catching halibut and in doing so being very conservative and dehooking 99% of the undersize so that they are returned to the ocean so that they might grow to be of legal age and help keep the biomass at sustainable levels. If I can personally reduce mortality/bycatch for 36 years in the directed fishery for halibut then the BSAI trawlers can do their share and have to learn to fish cleaner and reduce their bycatch (PSC) of halibut by 50% now!

So I advise to the NPFMC to reduce the bycatch of halibut (PSC) by 50% in the BSAI for the trawlers that scrape the bottom of the ocean.

Catch Fish ~ Don't kill the Bycatch

Shawn C Dochtermann  
F/V Isanotski

**Debbie S. Miller, Author**  
1446 Hans Way  
Fairbanks, AK 99709

May 26, 2015

To: North Pacific Fisheries Management Council

Re: BSAI Halibut PSC Limits  
Section C2 HAL 15-023

Dear Council,

I've lived in Alaska for nearly 40 years and I'm deeply grateful for the bounty of fish that has sustained my family. When my daughter, Robin, turned 21, I gave her the choice of any Alaska adventure trip. She quickly responded, "Let's go halibut fishing!" She ultimately pulled in a 75-pound halibut on her birthday and she continues to be an avid fisherwoman.

The fertile coastal waters around Alaska produce an incredible diversity of fish and marine life. The North Pacific region is the last stronghold for millions of wild salmon, enormous halibut, and many other species. If we carefully manage the harvest of these resources and protect the habitat, our fisheries will flourish for centuries to come.

As I read the Halibut PSC Executive Summary concerning bycatch statistics, the following questions came to mind:

\*Should we have a bycatch policy that allows commercial fishermen to discard **six million pounds** of mostly dead **juvenile halibut** into the ocean, essentially as **trash**?

\* Is this sustainable for the decades to come, and might we be creating another Bering Sea doughnut hole?

\* **Should the bycatch and discarded tonnage of any species be greater than the legal subsistence/commercial catch of that same species?** An analogy: Imagine emptying a refrigerator of fresh food and putting it in a trash can; then someone else goes to the grocery store and discovers there is a food shortage of those same trashed foods. Something is amiss here.

\* How extensive have marine surveys been in determining the range, population and movements of juvenile halibut in the Bering Sea?



Six million pounds of halibut equates to 12 million half-pound meals of halibut. It seems incredibly wasteful to throw away a delicious 4 to 5 pound halibut that could feed a family. For this reason, **I support the proposed 50% bycatch reduction limit for all six of the fishing sectors.**

I understand that industry is working on exclusion devices and methods to reduce the halibut mortality rate through improved handling of the fish. The Council should continue to offer incentives and assistance to the commercial fishermen to reduce the bycatch as much as possible ---- with a long-term goal of **ZERO bycatch.**

I understand that British Columbia has developed an avoidance fishery, where bycatch is not only frowned upon, but the fishermen have incentives to not throw away unwanted species. They are allowed to sell their bycatch, vs. discarding it. If they throw away bycatch, it goes against their fish quota. This is a strong incentive to make use of bycatch and the Council should consider implementing such a program.

According to the International Pacific Halibut Commission, British Columbia has had electronic observers on their commercial fishing fleet since 1996, for the purpose of monitoring bycatch. Why is Alaska so far behind with this technology which would significantly improve monitoring and general fisheries management?

Last, I'm pleased to learn that the International Pacific Halibut Commission is conducting a study on the movements and growth of juvenile halibut in the Gulf of Alaska and the Bering Sea. This will be the first year of the juvenile tagging effort. It would be wise for the Council to conservatively manage and protect juvenile halibut until we know more about these young fish. The Commission also plans to conduct extensive halibut surveys in the Bering Sea this summer. This research should help the Council better manage halibut fisheries.

Let's not make the mistake of so many fisheries around the world ---- by overfishing or allowing excessive bycatch. Please take a precautionary approach and minimize bycatch to the greatest extent possible.

Sincerely,

Debbie S. Miller, Author of *A King Salmon Journey* (UAF Press, 2014)



**Subject:** Halibut bycatch

**From:** Jeffrey Blankenship <cruzinkruzof@yahoo.com>

**Date:** 5/26/2015 7:58 PM

**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

Dear council members,

I'm a commercial halibut fisherman/quota holder since 1999 who has been buying into longline ifq's in area 2c with the expectation that the resource is being put first before outside interests/bycatch in other fisheries. I'm concerned that trawlers are killing the young brood stock of our fishery to further Their profits, and I'd like to see some accountability for this injustice. I hope that the trawl fleet can clean up their fishery so that us small businesses can continue to survive and contribute to our small Alaskan communities. Thank you for your time ....

**Subject:** C2 Bering Sea Halibut PSC  
**From:** Michael A Limacher <debaloha@hotmail.com>  
**Date:** 5/26/2015 8:41 PM  
**To:** npfmc.comments@noaa.gov

To the Council, My name is Genji Nakada and I have halibut IFQ's for Area A and fish out of Homer,Ak.My original shares were close to 14,000 pounds and I could make a decent living with my catch.Now those same shares equal just over 4,000 pounds and it is impossible to make a living fishing anymore,yet,the trawlers continue to catch millions of pounds of by catch with no cap.I ask that there be no less than a 50% reduction in their halibut by catch.At a time when our stocks are dwindling,it is imperative that you act now.Thank you,Genji Nakda

**Subject:** Please reduce BSAI halibut bycatch caps by at least 50%

**From:** wendy alderson <sfacwendy@yahoo.com>

**Date:** 5/26/2015 9:31 PM

**To:** npfmc.comments@noaa.gov

Dear Council Members,

My name is Wendy Alderson and my husband and I have commercial fished out of Sitka for the last 25 years. Many things have changed in that time. We have seen the longline halibut fishery go from a derby style fishery that resulted in a negative impact on halibut stocks to a successfully managed quota system, and we have experienced the growing pains associated with those changes. We have seen the charter halibut fishery grow from a fleet of small, local boats to a large user group that could not seem to stay within their recommended allowable catch limit. This also resulted in a negative impact on halibut stocks, a reduced bag limit for charter clients, and ultimately a catch sharing plan, a cooperative IFQ leasing arrangement between willing commercial fishermen and charter operators and lots more growing pains. We have seen sport limits go down and we have seen halibut IFQ's reduced by more than 70% in some areas. The small amount of 3A quota we were able to purchase has been reduced by more than 50%, that's been painful on many levels.

One thing that has not changed in the last 20 years is the trawl bycatch caps. The halibut resource is declining and every other user group has had to make personal, cultural and financial sacrifices in order to support conservation efforts. We have argued, we have fought, we have gone bankrupt, we have watched our small coastal communities be torn apart and slowly pieced back together. We are survivors here, but we can only take so much. The irony that the total allowable BSAI trawl bycatch is only fractionally less than the total coastwide directed fishery landings cannot be lost on you. The juvenile fish killed in trawls haven't had a chance to contribute to the biomass. Think if those fish were allowed to reproduce, grow, and be harvested at their optimal yield. Think how many more Alaskans, visitors and consumers would benefit if those fish weren't just discarded over the side, dead. Think about the average American being able to afford to buy a piece of halibut in a grocery store! I like that idea.

The trawl fleet can reduce their bycatch. Canada has and Washington State has. I'm sure there will be growing pains, change is never easy, but the rest of us have had to do it, and we have lived through it. Please reduce the trawl fleet's BSAI halibut bycatch caps by 50%.

Thank you for your consideration,

Wendy Alderson  
F/V Ocean Cape

**Subject:** C-2 BSAI Halibut  
**From:** Pete Hannah <mikado.kod@gmail.com>  
**Date:** 5/26/2015 10:36 PM  
**To:** npfmc.comments@noaa.gov

Dear Council Members,

I would like to encourage you to reduce BSAI halibut bycatch caps by at least 50%. I have been involved with the commercial halibut fisheries since 1985, and have witnessed a sharp decline in halibut abundance while allowable bycatch of this species has remained at steady and unsustainable levels. The continued blatant abuse of this valuable resource is unconscionable. Please consider a reduction in bycatch to help conserve the future of our halibut stock for future generations.

Thank you for your consideration,  
Margaret Bosworth  
fisherman/permit holder  
Kodiak, Alaska

**Subject:** C-2 BSAI Halibut  
**From:** "Mann, Ann Renee" <ar@wildfishwives.com>  
**Date:** 5/26/2015 11:12 PM  
**To:** npfmc.comments@noaa.gov

Hi,

My family and I depend on the commercial halibut fisher for our livelihood.

We are fully invested in this fishery and cannot afford to continuously take reductions on our quota limits as we have in recent years. Why haven't the bycatch limits been reduced similarly to our IFQ reductions? Why are the trawlers allowed to catch such a significant amount of this limited resource while fishing for other species? Sustainable fisheries require ALL sectors conserve during times of low abundance.

Please conserve and protect the future of the halibut stock by reducing BSAI bycatch caps by AT LEAST 50%.

We depend on the NPFMC to properly manage this fishery as a sustainable resource that will provide for our family.

Sincerely,

Ann Renée Mann

...just a fishwife;-)

WildFISHwives.com

(360) 510-7600  
(800) 803-6266

[www.linkedin.com/in/annreneemann](http://www.linkedin.com/in/annreneemann)



2050 VENIA MINOR ROAD  
P.O. BOX 86  
ST. PAUL ISLAND, ALASKA 99660

May 26, 2015

Dan Hull  
Chairman, North Pacific Fishery Management Council  
Anchorage, Alaska

*Re: Agenda item C5 – BSAI Halibut PSC Limits*

Dear Chairman Hull:

The Aleut Community of St. Paul Island, a federally recognized tribe in the Bering Sea, is facing an existential threat due to a dramatic reduction in the halibut available for the directed halibut fishery in area 4CDE. This reduction threatens not only the livelihood our fishermen, but the very existence of our Tribe, our cultural survival and our tribal fishing right.

Our tribal community rests in the middle of all Bering Sea fisheries and uniquely relies solely and directly on the Bering Sea halibut fishery for our economic sustainability. If halibut bycatch is not reduced by 50%, at a minimum, our community will suffer great economic, cultural, and social hardships. A bycatch reduction less than 50% is a direct threat to the health and welfare of our tribal members, as our community already struggles with overwhelming rates of substance abuse, domestic violence, and unemployment. A bycatch reduction less than 50% could, in effect, lead to a complete closure, and will only increase our challenges, as a closure removes essential (and for many, the only) employment and income for the entire year.

For a number of years, the Department of Interior has considered the nature and extent of fish harvest rights set aside by the United States for the use of the Aleut Communities of St. Paul and St. George Islands. As a brief background, when the United States acquired Alaska, the Pribilof Islands were set aside as a special reservation for fur seals and for the Aleut people who managed them for the benefit of the federal government. A right to take fish was set aside by implication, pursuant to the Fur Seal Act Amendments of 1983, to protect the survival of the seals and the Aleuts. No other viable economic option exists for the Pribilof Aleuts. The Aleut people have long expressed concern that our tribal fishing rights are disregarded by the NPFMC.

The United States, through the Department of Commerce and NOAA/NMFS, has an obligation to protect the fishery resources needed to guarantee a reasonable livelihood for the Pribilof Aleuts. The possibility of an inadequate reduction in halibut bycatch jeopardizes the

OFFICE OF THE PRESIDENT

tribal fishing rights held by the Pribilof Aleuts, and the federal government has a responsibility to take all action necessary to prevent such jeopardy. We have attached a letter from the Department of Interior, dated today, to Eileen Sobeck, Assistant Administrator for Fisheries with NOAA, urging NOAA to act in a manner consistent with the federal government's responsibility to the Pribilof Aleuts. The Aleut Community of St. Paul Island will continue to work with the Department of the Interior and the Department of Commerce to ensure the federal government satisfies its legal obligations to the Aleut people.

In reliance on the ability for the Pribilof Aleuts to continue exercising our fishing right, the Tribe is currently working with the State of Alaska, the Central Bering Sea Fishermen's Association, and other organizations to build and develop a \$1.8 million tribal dock and \$6.5 million vessel repair facility on St. Paul. The 23,000 sq. ft. vessel repair facility will also serve as a marine supply store and warehouse and the tribal dock providing additional docking facilities to the local small boat halibut fleet. If the halibut bycatch reduction is not reduced by 50%, the Tribe, the State of Alaska, and St. Paul's local entities will be faced with wasted infrastructure development and lost revenue, in addition to the direct loss of income to the fishermen and our tribal families. As the federally recognized tribe with a direct relationship and long, anguished history with the United States federal government, the Aleut Community of St. Paul Island is responsible for safeguarding the continued cultural and economic existence of our Aleut people and our future generations.

Consistent with previous submissions, the Aleut Community of St. Paul Island therefore asks:

- 1) the Council to take final action to reduce halibut bycatch caps in the Bering Sea by up to 50%. The sector with the highest rate of bycatch may require the highest percentage of reduction;
- 2) the Council and NMFS to quickly implement measures in the Amendment 80 sector to provide opportunities for deck sorting of halibut, or other handling practices that may reduce mortality of halibut that cannot be avoided; and
- 3) the Council to consider the preferred, long-term, permanent solution to the halibut bycatch and directed fishery issue may be setting halibut PSC limits based on the abundance of the halibut resource.

Sincerely,



Amos T. Philemonoff, Sr.  
President, Aleut Community of St. Paul Island



## United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

MAY 26 2015

The Honorable Eileen Sobeck  
Assistant Administrator for Fisheries  
National Oceanic Atmospheric Administration  
United States Department of Commerce  
1404 Constitution Avenue, NW, Room 5128  
Washington, DC 20239

Dear Ms. Sobeck:

Earlier this year, I wrote to Deputy Assistant Administrator Rauch regarding the issue of halibut bycatch and the Aleut Community of St. Paul's (Tribe) federally protected fishing rights in the Bering Sea. I appreciate the work National Oceanic Atmospheric Administration (NOAA) has done to date to ensure that the Tribe's harvest quota is not further diminished while the regulatory community works to address the issue of halibut bycatch. Pursuant to our government-to-government relationship with federally recognized tribes, protection of tribal fishing rights is a vitally important shared role of our respective agencies.

Based on recent discussions with the Tribe, we understand that NOAA intends to commence a rulemaking regarding halibut bycatch based on recommendations to be provided by the North Pacific Fishery Management Council (Council). We are hopeful that the Council will recommend, and NOAA will propose in its rulemaking, an approach to regulate the halibut fishery through meaningful reduction in halibut bycatch. We understand under current conditions a reduction of 45 percent to the overall halibut prohibited species catch (PSC) caps in the Bering Sea groundfish fisheries would limit the directed halibut fisheries in the Central Bering Sea to the same volume as in 2014 and 2015. Given that over the past 10 years the Tribe's directed halibut fishery has been severely impacted by the increase in bycatch of halibut by other users, maintaining the same volume as 2014 and 2015 allows only a minimal, maintenance fishery for the Tribe.

We appreciate NOAA's work to ensure that the Tribe's harvest quota was not further diminished this year. The Tribe's longstanding use and reliance on the fishery for the community's health, welfare, and livelihood has been heightened since 1983 with the end of commercial fur seal harvesting. Access to the fishery resource at a level sufficient to sustain the local fishing economy and subsistence needs of the Tribe is critical to its health and welfare. The fishery not only provides employment and revenue to satisfy the community's most basic needs, it reflects a way of life that has defined this tribal community for generations.

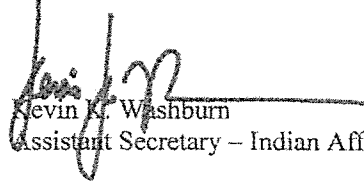


As we explained in our letter dated February 19, 2015, we intend to share with you soon the Department of the Interior Solicitor's Office analysis of the Tribe's federally reserved fishing rights. My staff and attorneys within the Solicitor's Office have initiated conversations with NOAA officials and attorneys regarding the Tribe's federally reserved fishing rights.

My office continues to stand ready to assist NOAA and the Tribe on this important matter. Should the Council issue final action on halibut bycatch at the June 2015 meeting that does not meet the needs of the Tribe, the Department will support NOAA in taking action to ensure a viable directed halibut fishery for the Tribe for 2016 and beyond.

Thank you for your hard work to help us meet our responsibilities to Alaska Natives.

Sincerely,



Kevin J. Washburn  
Assistant Secretary – Indian Affairs

Cc: Chairman Amos Philemonoff, Sr.  
Aleut Community of St. Paul Island



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

Ecosystems and  
Fisheries Management

Écosystèmes et  
Gestion des pêches

Eileen Sobeck  
Assistant Administrator for Fisheries  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service  
1315 East – West Highway  
Silver Spring, MD 20910

Dear Ms. Sobeck,

I am sorry we were unable able to meet when I was in Washington this past February. I was fortunate though in having an opportunity to meet with both Russell Smith and Ambassador David Balton, and to discuss a range of fisheries management issues on which Canada and the US enjoy excellent cooperation. I hope we have an opportunity to meet in the future and have similarly productive discussions.

Among our agenda items in February was the International Pacific Halibut Commission (IPHC), and I would like to take this opportunity to follow up both on those discussions and previous correspondence between you and IPHC Commissioners. Specifically, I would like to focus on commitments to reduce halibut bycatch in the Bering Sea/Aleutian Islands (BSAI) and the Gulf of Alaska.

*Canada believes the upcoming meeting in June of the North Pacific Fishery Management Council (NPFMC) presents an important opportunity to make further meaningful progress on this issue. We are pleased that the IPHC had an opportunity to meet with the NPFMC in February to exchange views, including on how progress in bycatch reductions might be measured. Canada would like to share its perspective on this matter with you.*

As the March 9, 2015 letter to you from the IPHC Chair and Co-Chair indicates, the coastwide impacts of halibut bycatch in Alaska on the resource and available harvest for other users, including in other IPHC Regulatory Areas, has been a longstanding topic of significant concern for the Commission. Past and current efforts to address the issue within the Commission are well documented in the IPHC's September 2014 *Report of the Halibut Bycatch Work Group II*.

Halibut bycatch in Alaska has also been a longstanding concern for the Government of Canada. In recent years, halibut bycatch in Alaska has been estimated to account for 7.5 – 9.7 million pounds of halibut mortality. Given the monitoring programs currently in place for Alaskan fisheries, particularly in the Gulf of Alaska, these estimates are uncertain. These uncertainties

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-2-

pose risks to our collective ability to sustainably manage the halibut resource. Further, modeling work by IPHC staff described in the September 2014 *Report of the Halibut Bycatch Work Group II* has indicated that the lost yield in Canada due to bycatch in Alaska may be as great as one million pounds, given migration patterns.

Officials in Fisheries and Oceans Canada (DFO) have invested considerable time attempting to address this with our US colleagues both within the IPHC, and in regular discussions with our counterparts in the National Oceanic and Atmospheric Administration and Department of State.

Canada recognizes that progress has been made in Alaska in reducing halibut bycatch, and we understand this is a difficult challenge. Canadian Commissioners to the IPHC agreed to support an increase in the directed fishery catch limit in Area 4CDE in 2015 after taking into account socioeconomic concerns of the directed harvesters. The commitments NOAA made to reducing halibut bycatch in Alaskan fisheries in your January 2015 letter to the IPHC were also crucial to Canadian Commissioners making this decision.

From Canada's perspective, these commitments are important to support the sustainability of the resource and to share the responsibility for doing so, in the spirit of collaborative management envisioned by the *Convention between Canada and the United States of America for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea*.

Canada undertook major changes to the management and monitoring of its trawl fishery and other hook and line groundfish fisheries that have achieved a 90% reduction in trawl fishery halibut bycatch mortality since 1991 and the elimination of bycatch mortality in hook and line groundfish fisheries. These reductions have been achieved without the need to close the bycatch fisheries; on the contrary, since the changes were introduced, these fisheries have experienced year-round fishery openings and they continue to harvest their directed species. The management of the US West Coast trawl fishery underwent similar changes in 2011 that have achieved comparable reductions in bycatch. It is important for Canada to see commensurate commitments to progress from our Alaskan counterparts at the upcoming NPFMC meeting.

In terms of measuring or defining meaningful bycatch reductions, Canada believes there are two important considerations. The first is to look at comparative bycatch reductions by Regulatory Areas since 1991, when Canada and the US first made commitments to reducing halibut bycatch.

IPHC calculations show that since 1991, bycatch has been reduced in Area 2 by 85-95%, in Area 3 by 60-65%, and in Area 4 by approximately 40%. For Area 4 to achieve a similar percentage reduction as Area 2 since 1991, reductions in current bycatch caps would be required well in excess of 50%.

In addition to these comparisons by Regulatory Area, Canada also believes that it is important to confirm a common understanding of what bycatch reductions may be achieved by selecting new bycatch caps. It is our understanding that, as per the attached Figure prepared by IPHC staff, for

.../3

-3-

the Area 4 trawl bycatch cap to equate to less than current levels of bycatch, the current cap would need to be reduced by at least 25%. For the fixed gear fleets, the Area 4 cap would need to be reduced by over 50%. Reductions any smaller than this could actually lead to increased bycatch levels over current amounts.

Canada looks forward to the results from the June NPFMC meeting, and continuing to work with our US colleagues in ensuring sustainable and prosperous fisheries for all who depend on this important resource. We appreciate your support of NPFMC efforts to further reduce bycatch and the commitment of the National Marine Fisheries Service to follow up as required in developing measures that reduce bycatch in the BSAI and Gulf of Alaska.

We would be pleased to discuss this matter further with you and your colleagues.

Regards,

A handwritten signature in black ink, appearing to read "Michael Pearson". The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail.

Michael Pearson  
Acting Assistant Deputy Minister, Ecosystems and Fisheries Management Operations  
Fisheries and Oceans Canada

Cc: North Pacific Fisheries Management Council  
IPHC Commissioners

# Attachment

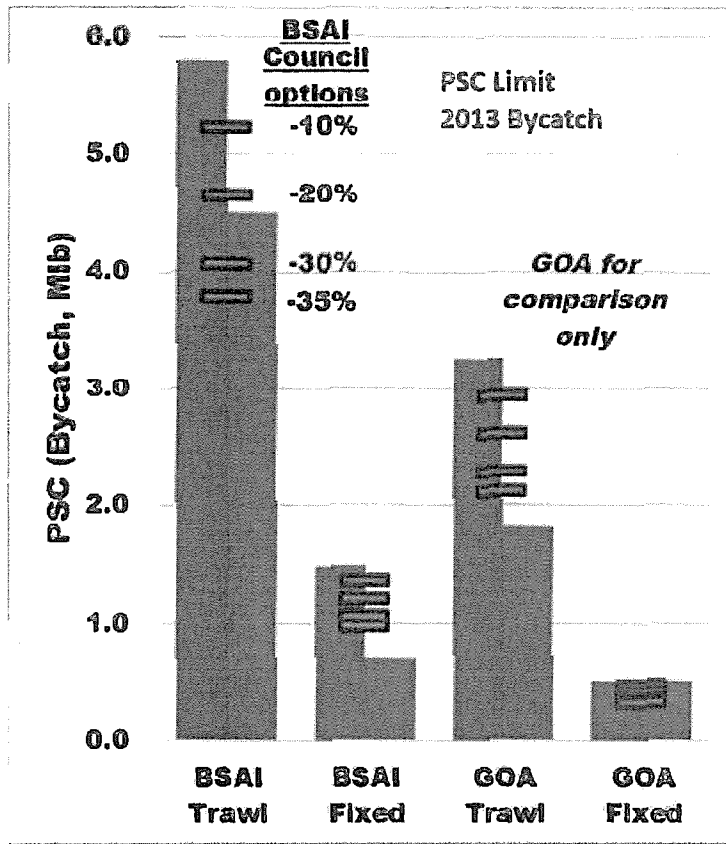


Figure 1. Projected PSC limit options compared to existing bycatch estimates for the BSAI, with similar options applied to the GOA for comparison purposes only.

## C-2 BSAI HALIBUT

I am contacting you today because of my concern about the future of the halibut resource in Alaska. My name is Peter Thompson and I have lived and fished out of Kodiak, Alaska for over 35 years. During this time my family and I have been involved with the halibut fisheries as commercial, sport, charter, and subsistence users of this iconic Alaskan resource.

It has been increasingly difficult to stand by and remain silent over the huge waste of our future as it is being sacrificed over the side by the Bering Sea trawl fleet. It is unacceptable to me that the current reallocation of the halibut resource is towards bycatch and away from the directed users. Juvenile halibut in the Bering Sea have been proven to migrate all over Alaska and down through the West coast of North America. All user groups of this resource are impacted by the large halibut PSC cap. For 20 years these PSC caps have NOT been reduced. Meanwhile the halibut catch limits have come down dramatically and are now to a point that some of the local Bering Sea communities (in area 4) are in danger of NOT having any directed fishery.

My family's income has been negatively impacted by the reduced amount of halibut that we have been allocated to harvest using our small family boat. Our economic future and ability to provide for ourselves and our teens college education are jeopardized by this situation where a relatively small amount of Bering Sea trawlers can have such a large impact on all downstream users.

Sustainable fisheries demand that all sectors conserve during times of low abundance and that has not been done with the Bering Sea trawl fisheries. It is a sad fact that in 2014 the BSAI trawl fisheries killed and discarded 7 times more halibut than the directed fishery landed in the same area! The trawl lobbyists typically argue that the economics of their harvest should trump all other user groups' interests. Is the wasteful destruction of the halibut resource an acceptable cost of doing business? Is this what we consider good fisheries management? I would argue that the Bering Sea trawl fleet would find ways to fish cleaner if the political will of the NPFMC mandated a more responsible fishery. The Canadian model has shown that it is possible to catch all of their target species while reducing bycatch if there is a directive to do so.

I would urge you to please conserve and protect the future of the halibut stock by reducing the BSAI bycatch caps by 50%. I would advocate that you take a stand for a more responsible fishery and consider the "downstream" user groups that rely on the halibut resource.

For the record I have fished the Gulf of AK and the Bering Sea for most of the fisheries and gear groups over my career. This would include trawling in the mid 80's for ground fish in the Bering Sea and delivering shore based to Dutch Harbor as well as mother ships. I have personally witnessed immeasurable amounts of "ping pong paddle" sized halibut discarded from trawls both "on deck" and numerous totes dumped back on our boat after a delivery to the processor. (And that was before observers).

Thank you,

Peter Thompson

A handwritten signature in black ink, appearing to read 'Peter Thompson', written over a light blue horizontal line.

Its way past time to reduce the halibut bycatch cap in both the bsai and goa drag fisheries, commercial halibut fishing is my living, sport and subsistance halibut users also depend on the halibut resource to rebuild, our catch limits have been in steady decline for 14 years.

The bsai drag fisheries have not had a change in there bycatch cap in 20 years, there was a lot more in the halibut biomass 20 years ago, its obvious the halibut resource is in trouble, its obvious which user group is not doing its share of conservation.

Please reduce the bsai halibut bycatch cap by 50%, the directed halibut fishery is down 70% in the last 14 years.

Print Devon Christensen

Sign 

# C-2 BSAI halibut

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Print MICHAEL A. TERRY

Sign 



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Sam Kirichenschlager

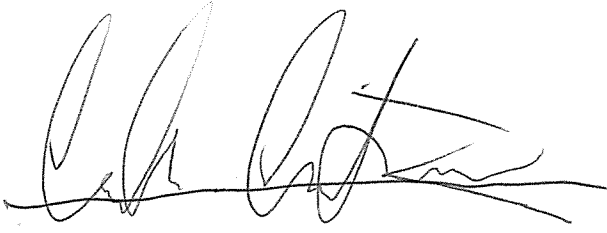


C-2 Basie halibut

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Please reduce the bsai halibut bycatch cap by 50%, the directed halibut fishery is down 70% in the last 14 years.

Print Cullan Christensen Sign 

May 25, 2015

N. P. F. M. C.

Dear Council Chair,

I am a commercial Halibut fisherman in Sitka, Ak. I am writing to urge the council to reduce Halibut bycatch in the B.S. AI. trawl fishery by at least 50%.

Our directed Halibut quota has been reduced significantly since I have seen my I.F.Q. reduced to almost half. Halibut fishing is a very important part of my livelihood.

The trawl bycatch mortality has an effect through out the entire Gulf of Alaska, British Columbia and Washington coast. As a migratory species one action in the B.S. AI. has an impact on all areas of habitat. It is unconscionable to allow a fishery to be prosecuted that is so destructive to a resource so important to the economy of coastal communities. Trawl bycatch mortality on juvenile Halibut eliminates future recruitments in to the directed longline fishery.

I would urge the council to take action to protect the Halibut resource and preserve the vitality of fishing communities.

Thank you,

Terry Perenich

Terry Perenovich

**Subject:** C2 Bering Sea Halibut PSC"

**From:** Rose Grech <mrosegrech@yahoo.com>

**Date:** 5/21/2015 10:29 AM

**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

**CC:** "Ephraim\_froehlich@murkowski.senate.gov" <Ephraim\_froehlich@murkowski.senate.gov>,  
"erik\_elam@sullivan.senate.gov" <erik\_elam@sullivan.senate.gov>,  
"bonnie.bruce@mail.house.gov" <bonnie.bruce@mail.house.gov>

According to AMCC, "Over the past decade, as directed halibut harvest has steadily dropped in response to a declining halibut stock, a major re-allocation of the resource has occurred. Directed halibut fisheries landings have been cut by 63% in the Bering Sea since 2005, but halibut bycatch caps remain at nearly the same level set during peak abundance decades ago. This inequitable standard of conservation has created a stark disparity between halibut fishermen and fisheries that harvest halibut as bycatch in the Bering Sea. In 2014, **BSAI groundfish fisheries killed and discarded seven times more halibut (number of fish, not pounds) than the directed fishery landed in the same region!**"

I have only lived in Alaska for 3 years and I am not a fisherman, but I do see and hear about this waste and do not understand why nothing is being done to manage this issue better. We are living in some challenging times in AK. Resources, climate, communities, and funding are all changing and we need to adapt and improve our ways if we want this beautiful state and what it has to offer to continue.

Thank you!

MaryRose Grech

Homer, AK

5/21/15

**Subject:** C2 Bering Sea Halibut PSC  
**From:** Kenai Riverbend Resort <kenairiverbend@gmail.com>  
**Date:** 5/21/2015 11:07 AM  
**To:** npfmc.comments@noaa.gov  
**CC:** Ephraim\_froehlich@murkowski.senate.gov, erik\_elam@sullivan.senate.gov,  
bonnie.bruce@mail.house.gov

As lifelong Alaskans and owners of a fishing lodge in Alaska we would strongly recommend that the NPFMC cut halibut by-catch by 50%.

It has been 20 years since this issue has been addressed and has gone too long. Commercial halibut fisherman and charter boats have seen a decrease in quota, limits of fish and fishing day restriction while halibut have been throw overboard, dead.

Not sure how to say this but use your common sense, throwing over millions of metric tons of small halibut that are dead. Halibut that no user group will ever get to harvest.

Please address the issue of Halibut by-catch and please reduce the by-catch by 50% - please!!

We have learned over the years that we cannot keep fishing with rules we used 20 years ago, the cod have been fished out on the East Coast, King Salmon in Alaska and if this issue is not looked at halibut too will fall victim of being depleted even though we could have done something. All the halibut user groups have seen their share go down please be fair and make sure the trawlers also pay their fair share, they have been put on a pedestal for too long. Just FYI, most are from Seattle, WA and not ALASKA!!!!

Dohn and John Cho  
Kenai Riverbend Resort  
P.O. Box 1270  
Soldotna, AK 99669  
[riverbend@alaska.net](mailto:riverbend@alaska.net)

**Subject:** Upcoming NPFMC in Sitka, AK  
**From:** Alan Welsh <bigakal@hotmail.com>  
**Date:** 5/21/2015 11:17 AM  
**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

Re: NPFMC upcoming meeting in Sitka, AK concerning trawler halibut bycatch

Dear NPFMC

My family and I have been fishing commercial and recreational Halibut in the gulf of Alaska since 1984. Along with other Alaskan commercial fisheries that we participate in, it has been one of our main sources of income. In recent years we have seen our quota shares drastically reduced while trawler bycatch has not been changed one bit in the last 20 years. Wasting 5 to 6 Million pounds of Halibut every year is unacceptable and must be cut by a minimum of 50%. This has gone on too long, and not only economically unacceptable, but ethically unacceptable. When the bycatch in the Bering sea is 10 times the amount of the directed commercial longline quota then we have majorly dropped the ball on the conservation of halibut. Also, how is it possible that the area in the Bering sea that is off limits to the longline fleet and is considered a Halibut nursery, is open for business for the trawlers to fish and waste more Halibut. This also must stop! Please consider an immediate implementation of a 50% reduction in trawl bycatch of Halibut.

Respectfully,  
Alan Welsh  
13020 Foster Road  
Anchorage, AK 99516

**Subject:** Bycatch!!

**From:** Lee Bondurant II <lee.rosa.bondurant@gmail.com>

**Date:** 5/21/2015 1:33 PM

**To:** Npfmc.comments@noaa.gov

You must stop the destruction of the trawlers! Reduce the Bycatch by at least 50% now!

**Subject:** RE: C2 – Bering Sea Halibut PSC Final action  
**From:** Malcolm MacMaster <mjmacmaster@hotmail.com>  
**Date:** 5/21/2015 2:23 PM  
**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

North Pacific Fishery Management Council

Attention: Dan Hull, Chairman

RE: C2 – Bering Sea Halibut PSC Final action

My name is Malcolm MacMaster, I live in Sterling Alaska and I fish (recreationally) in Alaska for halibut.

I as a recreational fisherman and I am very concerned about the high level of by catch of Halibut in the Bering Sea as described in your Final action item C2 - Bering Sea Halibut PSC.

We know that the Bering Sea has a huge population of juvenile halibut and that those halibut migrate from the Bering Sea to other areas throughout the range of the pacific halibut. Right now the trawl by catch is preventing millions of halibut from leaving the Bering Sea and repopulating other areas. This practice must be curtailed immediately or rural communities will suffer and the future of halibut fishing all over the Pacific will continue to be threatened. These are unacceptable risks to most of the users of this iconic resource to the benefit of a small number of trawl vessel owners and crews. It is one thing to ask all users to conserve a resource, but it is quite another all together to ask most users to sacrifice and conserve the resource to benefit of a specific group of large factory trawlers. That is what is happening and it is not fair or equitable. By Catch not only needs to be reduced and then linked to abundance, so all users can share in the sacrifice and in the benefits of a healthy resource.

Please show Alaskans you care about the communities and the resource and take significant action to reduce Bering Sea By Catch of halibut to a level that provides opportunity for the rest of us and protects millions juvenile halibut for being caught and discarded.

Sincerely,  
Malcolm MacMaster



**Subject:** comment Reduce Bering Sea Halibut By-Catch  
**From:** Dan Dunaway <dlgdunaway@gmail.com>  
**Date:** 5/21/2015 2:40 PM  
**To:** npfmc.comments@noaa.gov

Dear NPFMC

May 21, 2015

I am Dan Dunaway.  
I live in Dillingham Alaska.

I am writing regarding agenda item: **C2 Bering Sea Halibut PSC.**

I am a retired State of Alaska fishery biologist formerly involved with the Bering Sea and Aleutians shell fish fisheries (1980-89) including king, tanner and opilio crab. I lived in Unalaska and Sand Point. I used to have some contact with the halibut long line fleet as well, especially in Sand Point.

I have lived in Dillingham since 1989 and follow fishery issues closely.

I am a current member of the Bristol Bay Regional Federal Subsistence Advisory Council (BBRAC), but I am writing these comments STRICTLY representing myself only.

However, I would like to point out that the BBRAC has gone on record as being extremely concerned about salmon by-catch in the Alaskan trawl fisheries.

We have really appreciated the NPFMC coming to our meetings to discuss the by-catch issue with us. I don't recall the halibut by-catch issue coming to us - yet.

From following various fisheries, reading various fishery journals and some scientific journals as well as discussions with fisherman friends, I am very concerned about the by-catch of halibut in the Bering Sea trawl fishery.

I am especially alarmed when I see statistics stating that more (some say 7 times more) halibut are being discarded as by-catch than are caught by the directed commercial fleet.

I am concerned when I see other statistics showing reductions in the abundance of juvenile halibut in the Bering Sea once held up as the rearing grounds for most of the North Pacific halibut population.

This needs to change and to be reduced.

I should add that I am also a member of the Nushagak ADFG Advisory Committee (Nushagak AC). Again I am speaking here for myself but...

Today I spoke with a neighbor who is a Dillingham based commercial halibut fisherman.

On his first trip this season he was unable to find any halibut. This has been a real problem for several years for the Dillingham based small boat fleet.

In past meetings of the Nushagak AC, we have had expressed deep concerns for the trawling that goes on just west of the Nushagak Peninsula where some of our fleet seeks halibut.

There has been gear disruption and some of our fleet feel the trawlers are damaging halibut stocks there.

Further, please be aware that people from the Bristol Bay area, especially Togiak, as well as Kuskokwim Bay residents pursue halibut for subsistence uses.

While I have not heard of specific subsistence complaints, these users need to be respected and protected.

I know the trawl fleet is working hard to reduce salmon by-catch and is under considerable pressure from the Council and many advocacy groups to further reduce their impacts.

I urge the NPFMC require the trawl fleet to reduce halibut by-catch as well.

I strongly believe that significantly reducing the allowable level of by-catch is a great way to motivate the fleet.

Fisheries management in Alaska is constantly being held up as the world standard for sustainable practices.

I do not believe the current level of halibut by-catch meets our high standards.

Regulations should be put into place to force the trawlers to a much higher standard at this meeting in Sitka.

Thank you for your attention and the opportunity to comment on this concern.

Dan Dunaway  
PO Box 1490  
Dillingham, Alaska 99576

907-842-2636

**Subject:** Halibut ByCatch  
**From:** Kristine Harder <kristine.harder@gmail.com>  
**Date:** 5/21/2015 2:49 PM  
**To:** npfmc.comments@noaa.gov

Dear Members of the NPFMC:

I would like to see bycatch reduced by far more than 50%. Many years ago my father switched from dragging for shrimp to using pots instead. He did this because he couldn't stand the waste of the bycatch. I think a gear change is order.

Sincerely,  
Kristine Harder  
121 Chestnut Street  
P.O. Box 136  
Haines, Alaska 99827

**Subject:** C2 Bering Sea Halibut PSC  
**From:** "Albert Arakelian" <albertalaska@usa.net>  
**Date:** 5/21/2015 4:13 PM  
**To:** npfmc.comments@noaa.gov <npfmc.comments@noaa.gov>

Please reduce the halibut bycatch by at least 50 % this year and then every successive year until the trawlers shape up or ship out.

They are pissing all over the longline commercial fisherman and sport fisherman and there are not worthy.

Stand up for doing the right thing. Ignore the paid lobbyists.  
Simple!

Albert Arakelian

Commercial Longline Fisherman

Homer Alaska

**Subject:** C-2 BSAI Halibut  
**From:** Luke Fanning <fanning.luke@gmail.com>  
**Date:** 5/21/2015 9:34 PM  
**To:** npfmc.comments@noaa.gov

I am a commercial, sport, and personal use halibut fisherman, and my family of five depends on the halibut resource for income, food and recreation. The current allocation of halibut bycatch is unacceptable. The bycatch levels have stayed too high for too long, at a time when all other users have been restricted in order to conserve the resource, and it is time for the bycatch fisheries to finally share in the burden of conservation. The damage to the resource caused by the BSAI bycatch fisheries has coast-wide implications, and it is simply unacceptable to exempt these fisheries from substantive reductions during times of low abundance.

The BSAI trawl and amendment 80 fleets have suggested that they do not have the ability to further reduce bycatch. As a fisherman, I simply cannot believe that argument. We all know where the high and low bycatch sets are, and we know ways to fish cleaner. This fleet has the ability to focus on fishing cleaner grounds, just as the Canadians did when they were forced to reduce bycatch.

Please help protect the future of the halibut resource by reducing halibut BSAI halibut bycatch caps by 50% in the June meeting. Further delay will only cause more harm to the halibut resource and the people who depend on it.

Sincerely,

Luke Fanning

Juneau, Alaska

**Subject:** C-2 BSAI Halibut  
**From:** Christine Fanning <christine.e.fanning@gmail.com>  
**Date:** 5/21/2015 9:44 PM  
**To:** npfmc.comments@noaa.gov

I am a commercial, sport, and personal use halibut fisherwoman. My family depends on the halibut resource for income, food and recreation. The current allocation of halibut bycatch is unacceptable. The bycatch levels have stayed too high for too long, at a time when all other users have been restricted in order to conserve the resource, and it is time for the bycatch fisheries to finally share in the burden of conservation. The damage to the resource caused by the BSAI bycatch fisheries has coast-wide implications, and it is simply unacceptable to exempt these fisheries from substantive reductions during times of low abundance.

The BSAI trawl and amendment 80 fleets have suggested that they do not have the ability to further reduce bycatch. As a fisherwoman, I simply cannot believe that argument. We all know where the high and low bycatch sets are, and we know ways to fish cleaner. This fleet has the ability to focus on fishing cleaner grounds, just as the Canadians did when they were forced to reduce bycatch.

Please help protect the future of the halibut resource by reducing halibut BSAI halibut bycatch caps by 50% in the June meeting. Further delay will only cause more harm to the halibut resource and the people who depend on it.

Sincerely,

Christine Fanning

Juneau, Alaska

**Subject:** C2 Bering Sea Halibut PSC  
**From:** Carolyn Nichols <carenichols@hotmail.com>  
**Date:** 5/21/2015 10:22 PM  
**To:** NPFMC <npfmc.comments@noaa.gov>

I urge the Council to reduce halibut bycatch caps for the Bering Sea groundfish fisheries. The Bering Sea groundfish fishery killed and discarded 7 times more fish than the directed halibut fishery landed in the same region. This discard amounted to over 5 million pounds.

This is completely and totally unacceptable.

The NPFMC is supposed to be responsible for managing halibut bycatch. So far all I see the Council doing is giving priority to bycatch over the directed fishery and allowing huge numbers of juvenile fish to be killed and discarded.

This affects the whole halibut biomass. These are juvenile fish they are killing before they even get to spawning ages. This does not affect only the Bering Sea halibut fishery. It affects the whole halibut fishery everywhere! The migratory patterns of halibut make this a coast wide issue. From Alaska to California. 70% of halibut tagged in the Bering Sea have been recovered in the Gulf of Alaska or further south. This gross bycatch affects the halibut commercial, sport, charter, and subsistence harvest in two countries and many many people.

It is astounding to me that the Council even thinks that this is right let alone appears to refuse to act on it! Halibut catch limits have been steadily reduced for the last 14 years. but the trawl bycatch has not been measurably reduced for 20 years. Why is this?? ALL sectors must conserve in times of low abundance. The trawlers should not be allowed to have this huge bycatch of small fish that is obviously a contributing factor to declining fish stocks!!

That the Council has done nothing to change this is a terrible display of either succumbing to pressure from the trawlers or being just plain bought out. I am not sure which but either is pretty awful.

I have been in the commercial halibut fishery for 30 years. I live in Sitka. My kids are grown and are both involved in the halibut fishery. I do not understand why the Council treats all the directed halibut fisheries like they do not matter and that the trawl fishery can ruin an amazing stock and a fishery over 100 years old that supports communities all over Alaska.

This must change NOW

Please reduce the Bering Sea bycatch by a minimum of 50%. Anything less is just not doing your job.

Thank You

Carolyn Nichols  
111 Knutson Drive  
Sitka, AK 99835

**Subject:** C2. Trawl halibut by catch  
**From:** Dick <seaward99835@yahoo.com>  
**Date:** 5/22/2015 7:41 AM  
**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

My name is Richard Curran. I'm from Sitka Alaska. I have fished for Halibut commercial and Sport for 35 years. I support a 50% reduction in trawl halibut by catch. Many small boat commercial fishermen and sport fishermen have already accepted 50% cuts in quota and bag limits. Subsistence fishermen are experiencing reduced harvests. Almost all Coastal Alaska towns are seeing negative economic effects of reduced Halibut stocks. The trawl fishery has not taken these cuts in Halibut catch. It is time for the trawl fleet to do its Share to save the Halibut fishery. Please reduce Halibut trawl bycatch by 50%. We do not need a disaster similar to the east coast fisheries. Thank You, Richard Curran  
Sent from my iPad



**Subject:** Cut by catch of halibut  
**From:** Joel Jackson <jobee56@hotmail.com>  
**Date:** 5/22/2015 7:55 AM  
**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

To who ever it may concern , I am a commercial halibut here in southeast Alaska over the years I have seen the halibut stock drop dramatically . As a result my poundage that I was allowed to catch dropped from 5,300 pounds to 1100 pounds . As you can see I'm just a small time fisherman but none the less that money helped me survive . The trawlers catch millions of pounds of their product, I have a problem with that how at that rate is that sustainable . How much more can that fishery continue to be sustainable ? They not only catch their target fish but the by catch of all the other species that have the bad luck of their nets. All of which is dumped over the side dead ! As I'm a commercial halibut fisherman I would like to see the by catch of halibut cut by half . I reality I would like this fishery done away with all together ! Thank you for your time .

Joel Jackson  
Kake , Alaska  
99830

Sent from my iPhone

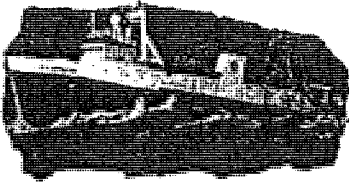
**Subject:** C2 Bering Sea Halibut PSC  
**From:** Megan Nix <nix.megan@gmail.com>  
**Date:** 5/22/2015 12:01 PM  
**To:** npfmc.comments@noaa.gov  
**CC:** Luke Wiedel <luke.wiedel@gmail.com>

To Whom it May Concern,

My husband, Luke Wiedel, and I are writing to you to request that you reduce halibut bycatch caps in the Bering Sea/Aleutian Islands by no less than 50 percent. As he is a guided fisherman/sport user, we understand the importance of sound management to maintain halibut stocks for the benefit of all users. Only a meaningful reduction will give the halibut fishery and the communities that depend on it the relief they need.

Thank you,

Luke and Megan Wiedel



*F/V US INTREPID ~ Bering Sea & Gulf of Alaska*

May 22, 2015

Mr. Dan Hull  
Chairman, North Pacific Fishery Management Council  
605 West 4<sup>th</sup>, Suite 306  
Anchorage, AK 99501-2252  
[npfmc.comments@noaa.gov](mailto:npfmc.comments@noaa.gov)

Re: Agenda item C-2 / NPFMC June Sitka Meeting

Dear Chairman Hull:

We the crew of the US INTREPID are writing to you about this very important issue that faces our sector. We've heard much mis-information in the press and as such we are very concerned about the proposed reduction in halibut bycatch to the Amendment 80 sector.

We are proud of what we do and consider our crew and vessel to be the best in the fleet. We strive to produce top quality seafood products under sometimes harsh conditions at sea, away from our family and friends. We don't ask for your sympathy, we just ask for you to acknowledge the innovations our sector has made, the cooperative fishing spirit we work under, and the professionalism of our vessel.

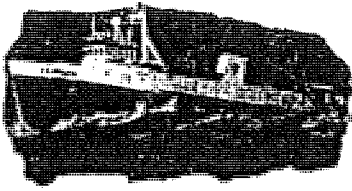
Any cut to the halibut bycatch limits for our sector will negatively impact our way of life. Our careers aboard this vessel are very important and most if not all of us have people depending on us. Not only for our fishing income, but for our medical, dental, and vision insurance as well as 401k and other benefits a career aboard this vessel affords (most importantly, stability and security).

Please remember:

- We have 200% observer coverage so our fleet is the most monitored in the world
- Halibut stocks are not a conservation issue; rather a domestic allocation issue
- Our vessel produces 200+ lbs. of fish for every 1 lb. of halibut we use
- On average each of us is working in Alaska 6 or more months out of every year

Sincerely,

Phil Baker, Captain	Clinton, WA	Crew since 2001	<i>Philip Baker</i>
<i>Chris Hezel, Chief</i>	<i>Everett WA</i>	<i>Crew Since 2001</i>	<i>Chris Hezel</i>
<i>Rick Loan, Mate</i>	<i>Seattle, WA</i>	<i>Crew Since 2011</i>	<i>Rick Loan</i>
<i>Alexand Lindblad</i>	<i>EVERETT, WA</i>	<i>2001</i>	<i>Alexand Lindblad</i>



**F/V US INTREPID ~ Bering Sea & Gulf of Alaska**

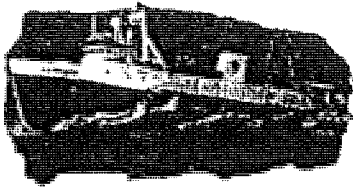
May 22, 2015

Mr. Dan Hull  
Chairman, North Pacific Fishery Management Council  
605 West 4<sup>th</sup>, Suite 306  
Anchorage, AK 99501-2252  
[npfmc.comments@noaa.gov](mailto:npfmc.comments@noaa.gov)

Re: Agenda item C-2 / NPFMC June Sitka Meeting

Page 2

Ten Ten Ramos	Seattle wa	Crew Since 97	[Signature]
Monty Fountain	Portland, OR	crew since 03	[Signature]
Jason Sharp	Wenatchee, WA	crew since 02	Jason Sharp
Cameron Fountain	Portland, OR	crew since 2015	C Fountain
Alec Hansen	Astoria, OR	Crew since 2015	Alec Hansen
Douglas Braun	Perham, MN	crew since 205	[Signature]
FABT TIT	Bremerton, WA	crew since '14	[Signature]
Jordan Anderson	Tacoma, WA	since 2014	[Signature]
Kyle Sandwick	Portland, OR	crew since '11	[Signature]
Matt Schlieper	San Diego CA	since 2015	[Signature]
VICTOR VILLEGOMER	TACOMA, WA	SINCE 2007	[Signature]
JOSE VENDE	TACOMA WA	2014	[Signature]
Miguel A. Sanchez	KENNEWICK WA	SINCE 2015	[Signature]
David S. Henry	Oak Harbor WA	crew since 2011	[Signature]
Ricardo Mota	PASCO WA	since 2009	Ricardo Mota
Scott Chism	Burlington, WA	since 2014	[Signature]
Joel Stachale	Westmoreland NH	2010	[Signature]



**F/V US INTREPID ~ Bering Sea & Gulf of Alaska**

May 22, 2015

Mr. Dan Hull  
Chairman, North Pacific Fishery Management Council  
605 West 4<sup>th</sup>, Suite 306  
Anchorage, AK 99501-2252  
[npfmc.comments@noaa.gov](mailto:npfmc.comments@noaa.gov)

Re: Agenda item C-2 / NPFMC June Sitka Meeting

Page 3

ERICK DIZON	[Signature]		
Zachary Meirndorf	[Signature]	Crew Since 2012	Tacoma, WA
Edward T. [Signature]	[Signature]	2015	
APRIL AEM	KENT, WA	Crew Since 201	[Signature]
JEFF KINCAID	[Signature]	1970	[Signature]
Andre Peterson	Portland, WA	crew since 2002	[Signature]
Phelan Kiestrop	Leavenworth WA	Crew Since 1998	[Signature]
GARRETT Oakey	Chelan, WA	Crew Since 2015	[Signature]
Maddy Saxon	Tigard, OR	crew since 2015	Maddy Saxon
Tautou Amene	Seattle WA	crew since 2009	[Signature]
Sergio Cabrera	Seattle WA	crew since 2014	[Signature]
Erik Villagomez	Seattle WA	crew since 2011	[Signature]
Nate Meyer	Vernonia, OR	crew since 2016	[Signature]
Kian Wirth	Portland, OR	crew - 2013	[Signature]
Franklin [Signature]	[Signature]	201	[Signature]

**CITY OF CRAIG  
RESOLUTION 15-04**

**REQUESTING THE NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL TAKE PROMPT ACTION TO REDUCE THE QUANTITY OF HALIBUT BY-CATCH IN THE GULF OF ALASKA AND BERING SEA TRAWL FISHERIES BY SETTING NEW LIMITS IN THE GULF OF ALASKA TRAWL FISHERIES, AND LOWERING THE EXISTING LIMITS IN THE GULF OF ALASKA AND BERING SEA POLLOCK FISHERIES TO AT LEAST ONE-HALF OF THE CURRENT LIMITS**

**WHEREAS**, the halibut fishery is of utmost importance to Alaska's subsistence, sport and commercial fishermen; and

**WHEREAS**, coastal communities in Alaska depend for sustenance, recreation and livelihood on Alaska's halibut resource, and

**WHEREAS** the abundance of North Pacific halibut has declined significantly over the past two decades; and,

**WHEREAS**, to conserve halibut stocks the commercial catch limits for halibut in the Gulf of Alaska and Bering Sea have been reduced by 70% over the past decade; and,

**WHEREAS**, the daily halibut catch available to charter clients in the Gulf of Alaska has been reduced by over 50% in some areas; and

**WHEREAS** halibut by-catch limits for trawl fisheries operating in the Gulf of Alaska have been reduced by only 15% over the same time period; and

**WHEREAS** observer coverage of Gulf of Alaska trawler trawl catch fell 50% between 2013 and 2014; and,

**WHEREAS** halibut by-catch limits for trawl fisheries operating in the Bering Sea have not been significantly reduced; and,


**WHEREAS**, trawl by-catch of halibut in the Central Bering Sea is now more than 10 times the catch allocated to historic halibut harvesters of the area.

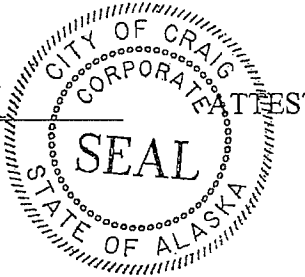
**NOW, THEREFORE BE IT RESOLVED** that the City of Craig requests immediate action by the North Pacific Fishery Management Council to reduce halibut by-catch in the Gulf of Alaska and Bering Sea trawl fisheries by not less than 50%; and,

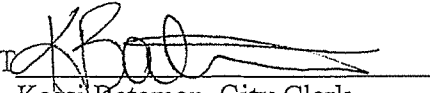
**BE IT FURTHER RESOLVED** that the City of Craig requests immediate action by the North Pacific Fishery Management Council to increase observer coverage on Gulf of Alaska trawlers to 100% and to maintain observer coverage on Bering Sea trawlers at 100%.

**BE IT FURTHER RESOLVED** that copies of this resolution shall be sent to all members of the North Pacific Fishery Management Council, the Honorable Bill Walker, Governor of Alaska, members of the Alaska Senate and House, the Alaska Congressional Delegation and regional Tribal entities within the State of Alaska.

Adopted this 5<sup>th</sup> day of February, 2015.

  
\_\_\_\_\_  
Mayor Dennis Watson



  
\_\_\_\_\_  
Kassi Bateman, City Clerk

**Subject:** C2 Bering Sea Halibut PSC  
**From:** travis snyder <twsnyder01@gmail.com>  
**Date:** 5/22/2015 1:35 PM  
**To:** npfmc.comments@noaa.gov  
**CC:** Ephraim\_froelich@murkowski.senate.gov, erik\_elam@sullivan.senate.gov,  
bonnie.bruce@mail.house.gov

The current trend of halibut bycatch is not sustainable in the Bering Sea. The quota for commercial and charter halibut fishing have been reduced but the halibut bycatch has remained the same for decades. More needs to be done to ensure that only the targeted fish are being caught. The halibut by catch should be reduced by at least 50% to ensure the future of the halibut fisheries throughout Alaska. Tagging studies show that from these large groups of juvenile halibut feeding in the Bering Sea, 70-90% of them are slated to migrate to other areas upon maturity. The removal of large numbers of these juvenile animals from the ecosystem is a critical stock concern for any halibut fisherman or consumer in the North Pacific, from California to Alaska.

Thank you,

Travis Snyder  
Alaskan resident and sports fisherman



**Subject:** C-2 bsai halibut

**From:** Dennis Northrup <buckfighter52@yahoo.com>

**Date:** 5/22/2015 2:27 PM

**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

I would like to see you lower the bsai halibut bycatch caps.it is ridiculous that halibut catch limits have been steadily declining while bycatch caps have remained largely static.I dont see where halibut fishermen are in much better shape than when the foreign fleets were off our coasts.I dont care whether halibut are being killed by a boat from korea or a boat from seattle,its still a dead halibut! my quota is about half of what it used to be.when the halibut resource is at a low point all sectors should be constrained. just doing business as usual and having bycatch take a major portion of the halibut resource is morally wrong.the effects on coastal towns all over alaska are dramatic.please take drastic action! thank you,Dennis Northrup

Sent from my iPad

**Subject:** C-2BSA1 halibut  
**From:** Kate Loewen <cathloewen@gmail.com>  
**Date:** 5/22/2015 5:31 PM  
**To:** npfmc.comments@noaa.gov

Please add this email to ones already expressing concern over what seems to be a halibut bycatch weighed in favor of trawlers. While I wish that trawling itself would be outlawed I know that is not realistic. I also know they have a very organized lobbying presence. But can we not learn something about fishery stocks being depleted over and over in Alaska's history and take a hard look at the decline in halibut stocks happening in the past several years and act before it is too late? I have seen my husband's IFQs diminish year after year, and seen how this decline seems to be affecting everyone from subsistence users to charter captains to small fishermen trying to augment their living. But it doesn't seem like the trawlers are hurting. What is hurting is the future of halibut in this state and we can not blame it just on global warming and changing water temperatures! Please use some common sense, think of the future, and don't let the trawlers have all the power at the table. Thank you. Kate Loewen

**Subject:** halibut bycatch BSIA

**From:** Seager Quentin <quanseam@msn.com>

**Date:** 5/22/2015 6:43 PM

**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

Having fished halibut commercially since 1982, things have changed alot. Bycatch of halibut in BSIA has had a devastating effect on the halibut resource coastwide. Over the past winter articles in the Seattle Times and Bloomberg brought to light the sad financial position of American Seafoods, a holder of 45% of the catcher processor pollock quota shares. Even with that sizable holding and the profits of their years of legal/illegal bycatch, they are a over 1 billion dollars in debt at the cost of the chinook and halibut stocks. So who is the winner here? How did these fshery management decisons pan out? It is truly sad how time bombs like these were allowed to be created at the demise of both halibut and chinook salmon stocks as a result of the wanton waste of bycatch. The title fisheries managers surely must end with a question mark here.

**Subject:** Bycatch: Synonym for Waste!  
**From:** Guy Lopez <guyslopez@aol.com>  
**Date:** 5/22/2015 6:59 PM  
**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

The title says it all. Stop the halibut bycatch now.

Respectfully,  
Guy Lopez  
Anchorage, AK

**Subject:** Halibut By-catch  
**From:** "Nancy Jones" <j.nancy@gci.net>  
**Date:** 5/22/2015 7:40 PM  
**To:** npfmc.comments@noaa.gov

Dear Members of the North Pacific Fishery Management Council:

Please stop the shameful wasting of halibut. We need a rollback in the by-catch in the Bering Sea and the Aleutian Islands by at least 50 percent. How much longer will you allow the trawlers to throw away the resource that our community depends on for a living?.

Sincerely,

Nancy E Jones - PO Box 2915 - Kodiak, Alaska 99615

**Subject:** C-2BSA1 halibut bycatch

**From:** Benjuji@aol.com

**Date:** 5/22/2015 8:08 PM

**To:** npfmc.comments@noaa.gov

As a commercial fisherman I was shocked to read of allotment for halibut bycatch. As vital as the species is to the overall commercial and sport fisheries in Alaska I consider it poor Mgmt. to allow present quota. Do reduce the cap by 50%, Thanks Jim Benton

**Subject:** C-2 BSAI Halibut  
**From:** Nancy Behnken <nancybehnken@gmail.com>  
**Date:** 5/23/2015 7:26 AM  
**To:** npfmc.comments@noaa.gov

May 23, 2015

Dear NPFMC members,

My name is Nancy Behnken and I have lived and worked as a commercial fisherman in Sitka, AK since 1981. Starting as a deckhand on longliners, I have worked my way up to Skipper status, and now own a small troller. I also own SE black cod quota as well as 2C D-category halibut shares. I fish the cod on a friend's boat, but I have invested a fair amount of money in converting my little troller into a part-time longliner so that I am able to fish the halibut myself. Catching these halibut shares with my own boat is not only the most enjoyable fishery that I engage in, but also provides a major portion of my annual income.

I find it absolutely appalling that the BSAI trawl fishery wastes 7 times as many halibut as our directed fishery lands! While our quota has been steadily reduced over the past 14 yrs, the trawl bycatch cuts have not been measurably reduced since the mid 90's. As the IPHC has determined through their tag recovery program, halibut migrate over great distances, including from the Bering Sea to the southern Gulf of Alaska. Therefore, the BSAI trawl bycatch is a formidable threat to the entire Alaskan halibut stock and all of us who depend on this impressive fish for subsistence, sport and commercial harvest.

All users of any resource need to conserve and care for that resource equally. I urge you to reduce the BSAI trawl bycatch caps by 50% at the upcoming meetings in Sitka in June.

Thank you for your attention to this extremely important matter.

Nancy Behnken

117 Jeff Davis St

Sitka, AK 99836

**Subject:** C-2 bsai halibut  
**From:** Eric Grundberg <eric\_grundberg@hotmail.com>  
**Date:** 5/23/2015 9:54 AM  
**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

NPFMC,

Hi my name is eric grundberg, I live in Petersburg alaska year round. I'm a 2c halibut holder and have fished for halibut the last ten years commercially through Southeast alaska and the gulf of alaska. A large portion of my annual income depends on the strength of the halibut fishery. I have a few points and reminders for the council!

- The current reallocation of the halibut resource to bycatch and away from directed users and conservation is unacceptable.
- Sustainable fisheries demand all sectors conserve during times of lower abundance.
- The future and perceived future of halibut stocks are very important to the commercial fishery and its permit holders livelihoods!

Thank you for your time,

Eric Grundberg  
PO box 2193  
Petersburg, AK 99833



Frank Kelty  
PO Box 162  
Unalaska, Alaska 99685

May 21, 2015

Dan Hull, Chairman  
North Pacific Fisheries Management Council  
605 W 4<sup>th</sup> Avenue, Suite 306  
Anchorage, AK 99501

Subject: C-2 Bering Sea PSC Halibut bycatch reductions.

Dear Chairman Hull:

I am writing today on a very important issue the reduction of Bering Sea Halibut PSC bycatch. In my opinion if a reduction in Halibut PSC is adopted that should be to the extent practicable as stated in Magnuson-Steven Act (MSA) National Standard 9 and that the reduction is phased in over a period of years. Certainly we all want to see some reasonable reduction to Halibut PSC in the Bering Sea fisheries. Having said that, I believe reductions that are too steep as noted in the analysis, will have severe economic impacts to the harvesting sectors and to fishery dependent communities' that rely on these harvesting sectors for their continued economic stability. National Standard 8 states to take into account the importance of fishery resources to fishing communities and under section (2) (A) provide for the sustained participation of such communities. (B) to the extent practicable, minimize adverse economic impacts on such communities. The fisheries that would be severely impacted by the more draconian alternatives are important to maintaining the economic underpinnings of Unalaska/Dutch Harbor and so a vote that hurts those businesses hurts Unalaska/Dutch Harbor economic stability.

Unalaska most likely see major impacts to local and state shared fish taxes, sale tax revenues; especially from sale of marine fuel. As well as reduced employment in many sectors of the community especially employment and businesses that work on the waterfront. The support sector businesses in Unalaska are a very important part of the community and they depend on their harvesting sectors partners for their economic well-being, which includes, marine repair, marine fuel distributor's, transportation sectors including local longshore workers, and many other businesses in the community.


If a Halibut PSC reduction is adopted by the Council it should stay in the MSA National Standard 9 guideline to the extent practicable; and I would hope that any reduction is phased in. This will allow the harvesting sectors additional time to work on measures to reduce Halibut PSC, including measures in the

Page Two  
Letter to Chairman Hull,  
North Pacific Fishery Management Council

Cooperative Incentive programs that have been implemented and improved, the fast tracking of a deck sorting program which would hopefully reduce Halibut mortality, continued work on improvements to the Halibut excluder devices and other measures that the harvester cooperatives are working on to reduce Halibut PSC.

In closing; I would ask that the Council take into consideration during your deliberations on this issue, the potential of adverse economic impacts on the groundfish harvesting sectors, the community of Unalaska, and ask that you continue to strongly encourage the groundfish harvesters to continue to work on all measures to reduce Halibut PSC bycatch in Bering Sea.

Sincerely

A handwritten signature in black ink, appearing to read 'FK', followed by a long horizontal line that extends to the right and then curves downwards.

Frank Kelty

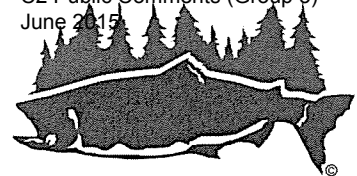
May 23, 2015

North Pacific Fishery Management Council  
605 West 4th, Suite 306  
Anchorage, Alaska 99501-2252

Via email: [npfmc.comments@noaa.gov](mailto:npfmc.comments@noaa.gov)

RE: Comments on BSAI Halibut Bycatch Reduction

Dear Chairman and Members of the Council:

C2 Public Comments (Group 5)  
June 2015

**Sportsman's Cove Lodge**  
Alaska's Friendly World-Class Sportfishing

Reservations Office  
Box 8500  
Ketchikan, AK 99901

Inquiries 1 800-962-7889  
Business 907-247-7252  
Facsimile 907-247-7255  
[info@alaskasbestlodge.com](mailto:info@alaskasbestlodge.com)

My name is Larry "Mac" McQuarrie. I operate Sportsman's Cove Lodge, on Prince of Wales Island in southern Southeast Alaska. I have been continuously in the charter industry in Alaska for 32 years, and I have fished the West Coast commercial and charter fisheries from Oregon, Washington, British Columbia and Alaska for over 60 years. My lodge is currently celebrating the conclusion of 26 years at our present location. Our business employs 32 people in-season and contributes over a million dollars annually to the local Ketchikan area economy.

I have been active in charter halibut issues confronting the Council since 1993. I served on the first Charter Halibut GHLC Committee, and on the Charter Halibut IFQ Committee, and the Charter Halibut Stakeholders Committee. I have been on the Conference Board at the IPHC many times since the 1980's, and currently serve on the ADF&G Advisory Committee for the Ketchikan area.

For decades I have witnessed the various agencies, including the IPHC and the North Council agonize over the halibut bycatch issue with only very little being accomplished in terms of bycatch reduction. Trawl bycatch has been a concern since the 1980's yet only lip service has been given to doing anything meaningful to control it. In 1991 a Halibut Bycatch Working Group (HBWG) was formed at the IPHC and a report was prepared under authority of a resolution of the International Pacific Halibut Commission.

See <http://www.iphc.int/publications/techrep/tech0025.pdf> It identifies many of the issues we continue to confront today, **twenty-four years later**. Following are some quotes from this near quarter century-old report from the IPHC:

*OBJECTIVES (FROM ANNUAL MEETING RESOLUTION)*

*At the January 1991 annual meeting of the International Pacific Halibut Commission (IPHC), the Commission passed a resolution to address Pacific halibut (*Hippoglossus stenolepis*) mortality in non-directed fisheries throughout the Commission's jurisdiction. The Commission is concerned about the high levels of halibut bycatch, compared with the mid-1980s, that are decreasing yield available to the directed halibut fishery. Through the resolution, the Commission created a bilateral technical group, hereafter called the Halibut Bycatch Work Group (HBWG), to review scientific issues pertaining to:*

- (1) Review of management measures being implemented in each country to control and reduce bycatch, and advise the Commission on their adequacy;*
- (2) Recommend additional measures which could be taken to reduce bycatch; and*
- (3) Determine appropriate target levels for bycatch mortality reduction.*

[www.alaskasbestlodge.com](http://www.alaskasbestlodge.com)

"We've been doing this awhile"

Another quote from the 1991 HBWG report:

(1) **Realized Stock Biomass** *The adjustment procedures only match lost potential egg production. They do not guarantee that future contribution to recruitment is actually realized. Also, the stock is not compensated for the pre-recruits which are actually killed as bycatch. The HBWG acknowledges the positive intent of the present adjustment procedures, but recognizes that the procedures may not actually replace the recruits lost as bycatch. They are intended to replace only the potential egg production of those recruits.*

(2) **National Interests** *To maintain the target exploitation rate on all stock components, catch reductions must be applied according to the distribution of the adult biomass which will provide the reproductive adjustment. Hence, countries forgo catch in proportion to the sizes of their stocks, not the levels of their bycatches. Young halibut (the predominant ages taken as bycatch) show net movement south and east as they grow. This means fisheries must forgo directed catch for bycatch taken by more northerly fisheries, often by fisheries of the other country.*

(3) **Fishing Fleet Perspectives** *Within each country the majority of the bycatch mortality occurs in fisheries other than the directed halibut fishery. However, catch reductions to adjust for the bycatch must be taken from the directed catch of the fleet not responsible for the bycatch. (Emphasis added.)*

*Aside from the adjustment procedures among fleets and between Canada and the U.S., the HBWG also considered some questions about the scheduling of adjustment for bycatch. When immature fish are taken as bycatch, the potential egg production lost is that which would have occurred over a period of years, starting sometime in the future. The adjustment is made immediately with mature fish, already part of the spawning population. The calculations assure that the numbers of eggs are matched, but not the times at which they would have been produced. Indeed, the mature fish which supply these additional eggs will have largely passed out of the population, by the time at which the bycaught fish should have produced their own eggs. The current practice assumes that eggs in all years are equivalent, and that this mismatch in times of reproductive output is not significant. Were it possible to forecast future recruitment accurately (which, at present, it is not) it could be argued that a one-for-one trade of "extra" eggs now for eggs lost from future spawning is inappropriate.*

I distinctly remember an IPHC meeting in 1990, when Steve Pennoyer was the Chairman (and I'll bet Steve well remembers it too). Bycatch by the U.S. fisheries was the issue of the day and the directed fishers came loaded for bear, especially the Canadians. All wanted action. At the "open to the public" session, when the Commissioners were forced to deal with the proposal from the Conference Board to do something about bycatch, they squirmed, they hummed, and they hawed, but in the end, as this excerpt from the Meeting Report shows, they just could not come to grips with it. They kicked the can down the road:

#### **ANNUAL MEETING WAS NOT DULL**

*The Chairman, Mr. Steve Pennoyer of the U.S., opened the 66th Annual Meeting of the Commission on January 29, 1990, in Seattle, Washington, with Mr. Dennis Brock of Canada as vice-chairman. The agenda before them included:*

- Review of the 1989 Pacific halibut fishery;
- Summary of results from the 1989 scientific investigations; and
- Presentation of regulatory proposals for the 1990 fishery.

*In addition, the Conference Board, an advisory group representing the fishing industry, presented its own regulatory proposals. The Commission also heard from the U.S. Pacific and North Pacific Fishery Management Councils, each of which were considering new fishery management regimes that affect Pacific halibut fisheries.*

*During the meeting, the Commission also addressed finances, adopted a 1992-93 fiscal year budget, and approved research programs for 1990. At the end of the meeting, Commission members elected Dr. Richard Beamish of Nanaimo, British Columbia, chairman for 1990; Mr. Pennoyer was elected vice chairman.*

*The 1990 annual meeting was not an easy one. The Canadian Commissioners objected to the high bycatch of juvenile Pacific halibut by the U.S. fisheries off Alaska. They refused to approve any of the proposed catch limit or fishing period regulations, until the U.S. came up with a feasible bycatch reduction plan. The U.S. Commissioners explained what steps they were taking toward addressing the bycatch problem. They also mentioned the significant bycatch of juvenile Pacific halibut by commercial fisheries in Canadian waters.*

*The Pacific halibut bycatch issue cannot be resolved by the Commission, but must be addressed by each government's fisheries managers. Yet it challenged each Commissioner during the 1990 meeting. The Canadian Commissioners said they could not conscientiously vote on regulations for U.S. waters until the bycatch problem was addressed. In light of their position, the U.S. Commissioners said they would not approve any regulatory proposals for Canadian waters. (Emphasis added.)*

I was there, and at 75 years old (and still fishing) I remember that infamous day vividly.

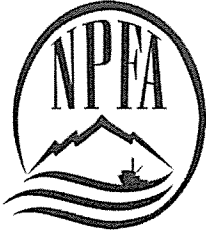
Bycatch has always been excused as a necessary evil in order to prosecute a billion dollar trawl fishery. How long must the nation endure this wasteful, and yes, immoral activity. How long will we turn a blind eye to the problem identified and put into record by the IPHC nearly a quarter-century ago.

*In 1990 the IPHC could not bring itself to deal with this issue. They deflected it to "each governments' fisheries managers." That's you, members of the NPFMC. Will this be the North Council that will have the courage and moral fortitude to face this abominable behavior, and take action to resolve it?*

Respectfully submitted,

*L. G. McQuarrie*

Larry McQuarrie,  
CEO Southeast Alaska Sportfishing Adventures, Inc.  
Db a Sportsman's Cove Lodge  
Cell 907-617-2790



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

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To: Mr. Dan Hull, Chairman  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Avenue Suite 306  
Anchorage, AK 99510  
May 22, 2015  
Re: Agenda Item C2 BSAI Halibut PSC

Dear Chairman Hull and members of the Council,

The North Pacific Fisheries Association was founded in 1955 and is a multi gear, multi species commercial fishing organization based in Homer, Alaska. Our members fish throughout Alaska and many of us participate in the directed halibut fishery including in the Bering Sea and IPHC Areas 4CDE.

NPFPA has been concerned with halibut bycatch in all areas and sectors for a long time. Our members are directly affected by the large removal of juvenile halibut. The recent trends in the pacific halibut fishery have created a dire situation. The fact that the halibut PSC limits in the Bering Sea have remained unchanged while the directed fishery has been drastically reduced is inequitable at least. The sheer number of individual juvenile halibut that are being wasted under the status quo is a glaring conservation issue. It is crucial that the NPFMC takes immediate and meaningful action to reduce the PSC limits. We believe the fleets will adapt and the constraints will not be nearly as much as assumed.

The North Pacific Fisheries Association supports Alternative 2, reducing halibut PSC limits by 50 % for Options one through five. Please take action and preserve this fishery for the futue.

Thank you for your consideration,

  
Malcolm Milne  
President, North Pacific Fisheries Association

**Subject:** Halibut Bycatch Limits for areas 4A-E Bering Sea  
**From:** Mike Friccero <mike.clarion@gmail.com>  
**Date:** 5/24/2015 8:06 AM  
**To:** npfmc.comments@noaa.gov

Dear Sirs and Madams

As a 35 yr veteran of the Alaska Longline halibut Fishery, I provide for my family with funds derived from the Halibut resource. We have experienced massive quota reductions over time, while the bycatch remains at unacceptable levels in both the Gulf and Bering Sea Trawl Fisheries. We request that you implement the highest reduction and take the strictest action in your upcoming process to protect the Halibut resource from excessive bycatch. It is (past) time to restore equity among the gear types.

Respectfully

Michael, Gina and Colette Friccero  
F/V MISS GINA

Michael Friccero  
Rainy Dawn Services  
F/V Miss Gina  
Kodiak, Alaska  
907 539 1320 cell

**Subject:** Inquiry from website  
**From:** Kenneth Kritchen <kenkritchen@gmail.com>  
**Date:** 5/24/2015 8:40 AM  
**To:** npfmc.comments@noaa.gov

C-2bsai halibut.

I am a commercial halibut fisherman who has held ifq since. Inception of the ifq system. Please regulate halibut bycatch so that all share holders of the halibut stocks can help in rebuilding the stocks.

Allocation of the halibut resource away. From subsistence, sport and commercial fishing is not fair, thanks for your consideration. Ken kritchen.



**Subject:** reduce BSAI bycatch  
**From:** crm@monson.com  
**Date:** 5/24/2015 9:08 AM  
**To:** npfmc.comments@noaa.gov

To North Pacific Fishery Management Council,

Please reduce BSAI halibut bycatch caps by at least 50%. The halibut resource is our livelihood and we have experienced quota reductions for several years in a row and the bycatch levels have not decreased in the same mannner. Sustainable fisheries demand that ALL sectors conserve during times of low abundance. Conserve and protect the future of the halibut stock by reducing BSAI bycatch caps by 50%.

Thank you,

--

Rebekka Monson

**Subject:** Bering Sea/Aleutian Islands bycatch  
**From:** Jerald Nelson <sonseekers@ymail.com>  
**Date:** 5/24/2015 11:05 AM  
**To:** npfmc.comments@noaa.gov  
**CC:** Ephraim\_froelich@murkowski.senate.gov, erik\_elam@sullivan.senate.gov,  
bonnie.bruce@mail.house.gov

Normally, I would send individual messages to each of you. In the interest of speed, since I know this is being discussed soon, I want each of you to know my feelings on the enormous loss of Halibut and other species of fish that never make it out of the Bering Sea.

Halibut by catch limits trawl fisheries are set at 7 million pounds and have hardly been reduced in thirty years Even after commercial catch was reduced by 64% in the last decade.

Tracking studies have shown that 70% to 90% these lost fish would be headed for Cook Inlet where I fish for recreation, and where the Charter industry has been Severely reduced in the number and size of the fish they can harvest, I want you to know we are watching each of you to see what your intentions are on getting this bycatch reduced by at least 50% this coming season.

I am joining with the Homer city council and the Charter industry To request that you put all your efforts toward convincing the North Pacific 'fishery Management Council to take action to end this bycatch travesty.

Thank you each for your efforts in this matter.

Jerald Nelson  
335 West Redoubt Ave.  
Soldotna, Ak. 99669-1708  
(907) 262-7118

Greg Cushing  
1217 Georgeson Loop  
Sitka AK 99835  
5-21-15

Dear NPFMC members,

I am a lifelong Alaska resident. I have been in commercial fisheries for 43 years, initially the halibut, black cod and rockfish fisheries, in addition to dive harvest and salmon fisheries. I'll humbly contend that I have a fairly good idea whether any particular fisheries scenario makes sense or not.

I can tell you that, on the surface, killing and discarding seven times more halibut in the Bering Sea/Aleutian Island trawl fisheries than the directed fishery is allowed to harvest in those areas, seems nothing short of stupid.

Maybe someone can convince me that it is in fact equitable, sustainable and appropriate. Until then, however, I will go ahead and consider this reality as simple mis-management of a very valuable resource.

Although I no longer participate in the long line commercial fisheries, I am a sport and subsistence halibut user and place high value on their availability to my family.

I also have a business that relies heavily on servicing the commercial fishing industry. The health of their businesses is directly related to the health of mine. Not to mention that many of these individuals are friends who deserve to have access to a healthy halibut resource.

Most of the discarded halibut bycatch is composed of juveniles. As 70% of juvenile halibut tagged in the Bering Sea have been recovered in the Gulf of Alaska and further south, it's clear that the destruction of this huge amount of juvenile halibut affects halibut users across coastal Alaska.

The continuation of the current BSAI halibut bycatch level is unacceptable. Sustainable fisheries require commensurate sacrifice and contribution of ALL sectors of the industry. I urge you to act to reduce the BSAI trawl bycatch caps by 50%.

Respectfully,  
Greg Cushing

**Subject:** Inquiry from website

**From:** Tom Stryker <tstryker1@gmail.com>

**Date:** 5/24/2015 12:40 PM

**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

Please stop Bycatch. I pay hard earned money to come to Alaska to sport fish and you limit what Halibut I can catch, yet commercials are allowed catch and throw away far more fish than sports fisherman legally catch. How fair is this? Should I stop coming to Alaska?

Best,

Tom Stryker  
10286 Copper Cloud Dr.  
Reno, Nevada 89511

**Subject:** C2 – Bering Sea Halibut PSC Final action  
**From:** Dave Wake <david.wake@gci.net>  
**Date:** 5/24/2015 1:14 PM  
**To:** npfmc.comments@noaa.gov

North Pacific Fishery Management Council

Attention: Dan Hull, Chairman

RE: C2 – Bering Sea Halibut PSC Final action

My name is David Wake, I live in Wasilla, Alaska and I fish recreationally in Alaska for halibut.

I as a recreational fisherman and I am very concerned about the high level of by catch of Halibut in the Bering Sea as described in your Final action item C2 - Bering Sea Halibut PSC.

We know that the Bering Sea has a huge population of juvenile halibut and that those halibut migrate from the Bering Sea to other areas throughout the range of the pacific halibut. Right now the trawl by catch is preventing millions of halibut from leaving the Bering Sea and repopulating other areas.

This practice must be curtailed immediately or rural communities will suffer and the future of halibut fishing all over the Pacific will continue to be threatened. These are unacceptable risks to most of the users of this iconic resource to the benefit of a small number of trawl vessel owners and crews. It is one thing to ask all users to conserve a resource, but it is quite another all together to ask most users to sacrifice and conserve the resource to benefit of a specific group of large factory trawlers. That is what is happening and it is not fair or equitable. By Catch not only needs to be reduced and then linked to abundance, so all users can share in the sacrifice and in the benefits of a healthy resource.

Please show Alaskans you care about the communities and the resource and take significant action to reduce Bering Sea By Catch of halibut to a level that provides opportunity for the rest of us and protects millions juvenile halibut for being caught and discarded.

Sincerely,  
David Wake

**Subject:** C2 Bering Sea Halibut PSC  
**From:** Kent and Bev <bevandkent@hotmail.com>  
**Date:** 5/24/2015 3:49 PM  
**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

Thank you for accepting comments on halibut bycatch limits in the Bering Sea/Aleutian Islands (BSAI).

I lived on the coast of Alaska, for 35 years, first as a federal biologist and later as an owner of a charter boat business. During this time, I always fished for halibut for personal consumption.

Halibut bycatch by the trawl fleet in the BSAI has been accepted by fishery managers as long as I can remember as a "necessary cost of doing business". With declining halibut stocks, that cost has risen to an even more unacceptable level.

A reasonable person can only wonder if the trawl fishery halibut bycatch not only contributed to the declining catch limits of halibut in directed fisheries, but perhaps *lead to* the decline. In Alaska, more pounds of halibut are killed and tossed overboard in the trawl fisheries than is harvested by the entire sport fishery.

The Council needs to adopt a regulation to reduce BSAI halibut bycatch limits by at least 50 percent and require the trawl fleet to retain, process and give away its bycatch, thereby providing an incentive for a much needed, cleaner fishery.

Sincerely,  
Kent Hall

Mr. Chair and members of the council,

First let me say welcome to my home Sitka. I own a 45 foot commercial vessel that part of the year I use to longline. I own a grand total of 3000 lbs. of 2C halibut. Of course like many others I used to have much more.

I started halibut fishing with my dad at twelve years old. I deck handed through the derbies. And remember the bumpy transition to IFQ's. Realizing that if a wanted to be a part of this fishery I would have to buck up, stop whining and buy in I invested. At the time everyone seemed to think Halibut was the one of the best managed fisheries in the world. Things sure have changed.

After a certain amount of time fishing a species I believe you owe stewardship debt to the resource. So I am proud to have taken an over 75% reduction in my quota to help rebuild the halibut stocks. It hurt, so I understand why others would be reluctant to sacrifice. But it was the right thing to do.

My understanding is halibut has gone through down cycles in the past. In such times it was determined that two management tools were helpful in rebuilding stocks. One was not to target the babies. And the other was not to fish the stock when they are spawning. I believe that by straying away from these principals we have undermined the stocks.

Certain areas of the Bering Sea were closed to halibut longlining because it is a rookery for immature halibut. I understand this same area is where the trawl by-catch occurs. It seems like inconsistent principals. How is OK to restrict one gear group on the basis of healthy management, then allow a different user group to kill millions of sub legal fish?

Look I get it. I enjoy the occasional fillet of fish at Micky D's. Fish sticks are food. Poor people need protein too. In general I think there is a place for some trawling in responsible fish management.

The truth is, this is politics and in politics money makes its own truth. In my opinion this council has a bias for trawlers and against the small boat family fleet. Proof of my statement can be seen in the crazy implementation of the observer program where the shore based fleet that catches the smallest volume of fish receive the most amount of observer coverage. You have a right to your opinion, I get mine. So I don't expect justice for the baby halibut, but it is the right thing to do.

Please reduce halibut bycatch for the trawl fleet.

Bert Bergman

801 Charles St.

Sitka, AK 99835

**Subject:** Halibut bycatch issue  
**From:** "Rich C" <rich\_k7zv@gphilltop.com>  
**Date:** 5/25/2015 5:10 AM  
**To:** npfmc.comments@noaa.gov

Please stop Bycatch. I pay hard earned money to come to Alaska to sport fish and you limit what Halibut I can catch, yet commercials are allowed catch and throw away far more fish than sports fisherman legally catch. How fair is this? Should I stop coming to Alaska? Our group of 10 guys have made this our annual get together for 20 plus years and we are about to look for a new place because of this. Please don't forget what we bring to the state when we come.

Thank you,  
Richard Chatelain  
888 Stewart Road  
Grants Pass, Oregon 97526



**Subject:** AGENDA ITEM C2 HALIBUT PSC  
**From:** tim knapp <timonthegrant@gmail.com>  
**Date:** 5/25/2015 10:30 AM  
**To:** npfmc.comments@noaa.gov  
**CC:** Sara <Sara@DSFU.org>

Hi,

I have been fishing halibut for 35 years and haven't seen much progress in the trawler bycatch issue . I would like to encourage some drastic action on your part to reverse the downward trend of the halibut stocks, It just seems logical that all removals be reduced to manage the fishery . I realize the trawlers will say it can't be done but given the choice between not fishing and figuring out how to avoid bycatch they will figure it out. I know I would put a lot of energy if I were in that position. I can't help but point to Canada's struggle with this problem. While the habitat is different in Alaska I know the skippers will excel .Please give them some credit and cut the PSC. Of course their going to say it can't be done so they can continue to fish as efficiently as they are now, who wouldn't. But it seems a travesty to let them continue unabated.

Please consider:

1. **50% reduction in trawl bycatch**
2. **Closure of the "tender loophole" in the observer program**
3. **100% observer coverage or electronic monitoring regardless of fishery or vessel size,**
4. **EFP to allow deck sorting of trawl caught halibut with scales and observer monitoring on deck**

**Tim Knapp**  
**DSFU member**

**Subject:** C-2 BSAI Halibut Bycatch  
**From:** Judy Brakel <judybrakel@gmail.com>  
**Date:** 5/25/2015 11:28 AM  
**To:** North Pacific Fishery Management Council <npfmc.comments@noaa.gov>

**Comment on issue C-2, BSAI Halibut bycatch**

Dear North Pacific Fishery Management Council Members:

I ask that you reduce the allowable bycatch of halibut in the Bering Sea by at least 50%.

Halibut stocks area of great concern all over coastal Alaska. They appear to be the top natural resource concern in my community of Gustavus in Southeast Alaska, and halibut are basic to the economy of my home town of Petersburg. Maintaining the Prohibited Species Caps for bycatch at levels set decades ago despite a precipitous decline in allowable harvests in the directed halibut fisheries seems strange, reckless, and extremely wasteful.

We are aware that halibut spawned in the Gulf of Alaska, including off Southeast Alaska, drift northwest with the Alaska Current as plankton, many arriving in the Bering Sea, where they develop into small halibut. Huge numbers of small halibut are taken as bycatch in Bering Sea trawl fisheries. If not wasted there, many would participate in the counter-migration in the Gulf of Alaska, helping populate the waters of Southeast Alaska and British Columbia.

Reducing halibut bycatch may require reducing some Bering Sea harvests of pollock and other low value but high quantity fishes. But that simply has to be done if our most valued fishes – halibut and chinook – are to persist in anything like their historical quantities.

Thank you for your attention.

Judy Brakel

Box 94, Gustavus, AK 99826 907-697-2287 [judybrakel@gmail.com](mailto:judybrakel@gmail.com)

**Subject:** Bycatch limits for Pacific Halibut  
**From:** "Elizabeth Cuadra`" <cuadra@gci.net>  
**Date:** 5/25/2015 11:48 AM  
**To:** <NPFMC.comments@noaa.gov>

I understand that the bycatch limit for Pacific halibut, applicable to the "Amendment 80" fleet of Seattle based trawlers has not been changed for two decades. If I had my way, trawlers would be outlawed, everywhere, period.

But since that is not likely to happen any time soon, let me speak to the topic of reducing bycatch limits by 50% -- I'm all for that !

Several decades ago, I used to be able to buy a good-sized halibut directly from a commercial fisherman here at the docks in Juneau, cut it up, freeze it, and have wonderful halibut dishes periodically for several months here at the Cuadra household. But no more. Halibut have become way scarce here in Southeast Alaska where I live. Judging from watching the news over the past two decades, halibut are scarce (and smaller) everywhere within coastal Alaska's waters. This must stop. And the way to stop it is to reduce the allowable bycatch by AT LEAST 50% -- and then enforce that limit.

This is from an 82 year old woman who grew up in Midwestern farming country where a salmon salad once or twice a year, made from canned pink salmon, was about all I knew of fish from far away. Otherwise, it was local catfish, which I loved to catch but would not eat. Coming to Alaska several decades ago (1977) brought with it the marvelous, new range of king salmon and halibut. But over the past couple of decades we have not been taking care of our halibut (or king salmon either).

Please do cut the bycatch limit for Pacific halibut by AT LEAST 50% and make sure it is applicable to EVERYONE.

Dorothy E. Cuadra, [cuadra@gci.net](mailto:cuadra@gci.net)

P.O. Box 33678, Juneau, AK 99803-3678

**Subject:** "C-2BSAI halibut"

**From:** WALLACE W HINDERER <wallyandgail@msn.com>

**Date:** 5/25/2015 12:19 PM

**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

Please reduce the dragger halibut by catch allowance in the Bearing Sea by 50 percent. This allowance is seven times the directed long line fisheries catch allowance. Cut this allowance by at least 50 percent. This will cause more equitable management solutions to come forward. It will take the pressure off from the new recruits that enter the pacific gulf and coastal areas. My quota has decreased from 85 to 12 thousand pounds TAC. I have paid management taxes since their inception. The only thing that has happened is that my TAC has diminished yearly. It is time for something new.

Wallace W. Hinderer/ Gail L. Hinderer/ Wallace Hinderer  
3744 Crabapple Place  
Port Angeles, Wa 98362

**Subject:** "C-2BSAI halibut"

**From:** WALLACE W HINDERER <wallyandgail@msn.com>

**Date:** 5/25/2015 12:19 PM

**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

Please reduce the dragger halibut by catch allowance in the Bearing Sea by 50 percent. This allowance is seven times the directed long line fisheries catch allowance. Cut this allowance by at least 50 percent. This will cause more equitable management solutions to come forward. It will take the pressure off from the new recruits that enter the pacific gulf and coastal areas. My quota has decreased from 85 to 12 thousand pounds TAC. I have paid management taxes since their inception. The only thing that has happened is that my TAC has diminished yearly. It is time for something new.

Wallace W. Hinderer/ Gail L. Hinderer/ Wallace Hinderer  
3744 Crabapple Place  
Port Angeles, Wa 98362

C-2 BSAI halibut

Charles E Wilber  
705 Etolin St  
Sitka, Alaska 99835  
[cwilber@gci.net](mailto:cwilber@gci.net)

To North Pacific Fisheries Management Council,

I strongly urge the council to reduce the BSAI halibut bycatch cap by at least 50%. I am a halibut IFQ holder in area 3A and 2C. Halibut is a mainstay of my yearly income. I have seen the amount of halibut I'm allowed to catch reduced by almost 75% for conservation reasons. At the same time the Bering trawl fleet has not reduced their bycatch in 20 years. A sustainable halibut fishery depends on all users conserving in time of low abundance.

Data from the IPHC shows that Halibut from the Bering travel through many sectors all the way into British Columbia. I urge the council to conserve and protect the future of the halibut stocks in all areas by reducing BSAI bycatch caps by 50%. The future of the halibut resource and the Alaskan coastal communities depend on this way overdue reduction.

Thanks for your consideration,  
Charles E Wilber  
F/V Alexa K

**Subject:** Bearing Sea trawl by catch of halibut  
**From:** James Hughes <carterhughes@hotmail.com>  
**Date:** 5/25/2015 4:35 PM  
**To:** npfmc.comments@noaa.gov  
**CC:** alfa.staff@gmail.com

Mr. Chairman and members of the North Pacific Fisheries Management Council:

My name is Carter Hughes and I am a Sitka based troller that also has some longline IFQs. I have lived and fished in S.E. AK for over 25 years. I currently have about 3200 lbs of 2C halibut. I just recently purchased 1700lbs last month. I have been lonlining halibut since the late 80s. Although I was not allocated any halibut initially, I started purchasing halibut IFQs in 1995, when the IFQ program was implemented. Most of my halibut was in the 3A area and I once had 7500 lbs in that area. I divested myself of 3A halibut several years ago due to the seemingly irreconcilable allocation disputes with the charter sector and the lack of attention being paid to trawl bycatch. By then my 3A quota had been cut to 3400lbs, less than half its original size. Although the uncompensated reallocation to the charter sector issue seems to be resolved at this point, the trawl bycatch issue has not been addressed in a meaningful way. I thought that the cut in the Gulf of Alaska halibut bycatch was somewhat slim considering the cut I had taken over the years, but at least it was something if only a token change. I foolishly ignored the Bearing Sea trawl bycatch of halibut thinking that its impact on my fishery was minimal. But I see things differently now.

First, I am an Alaska resident and a small boat fisherman. I have had to take a lot of cuts in both the longline and troll fishery for conservation and defacto reallocation. I see the industrial trawl fisheries as taking over both the resource and employment opportunities for coastal Alaskans and replacing it with distant water jobs for the Pacific Northwest. I have a lot of sympathy for the area 4 halibut longliners who live in coastal small towns and work a fishery that has existed for over 100 years. When I see them being shoved aside for the convenience of corporate profits and Washington State industrial fishing interests, I know that I am in the boat with those area 4 halibut fisherman and not far from being swept aside myself.

Finally, those juvenile halibut that are being caught in the Amendment 80 trawl fisheries migrate down to the strip of coast I live on. I was unaware of the tag data supporting this fact until recently. The area 2C halibut fishery was the first to take big cuts and it hurt. Things seem to have stabilized. However, I don't see things rebuilding significantly if the juvenile stock continues to be caught at the same levels in the Bearing Sea trawl fisheries. I know the trawlers provide

several thousand jobs, so do we, the small vessel coastal fisheries of Alaska. Really what this is about is who gets to take the hits for halibut conservation while the industrial fleets sweep up everything in their path. If they haven't taken a cut in 20 years than they have a debt to pay.

I support a 50% cut in halibut bycatch levels for the Bearing Sea trawl fisheries.

Thanks for your time,

James Carter Hughes

F.V. Astrolabe

Sitka



May 24, 2015

North Pacific Fishery Management Council  
605 West 4th, Suite 306  
Anchorage, Alaska 99501-2252

Via email: [npfmc.comments@noaa.gov](mailto:npfmc.comments@noaa.gov)

RE: Comments on BSAI Halibut Bycatch Reduction

Dear Chairman and Members of the Council:

The Sitka Charter Boat Operators Association (SCBOA) respectfully submits the following comments for C2 Bering Sea Halibut PSC.

SCBOA wishes to be on record in favor of a reduction of at least 50 percent of the halibut bycatch limits in the Bering Sea / Aleutian Islands. As individual business owners, we understand too well, the importance of economics. As recreational anglers, we understand the value of halibut as a species and its role in the ocean ecosystem.

The fact that most of the halibut bycatch in the BSAI trawl fisheries are small fish and would likely migrate to other areas, suggests that less halibut bycatch means more halibut for other areas and fisheries. However, SCBOA views this issue not so much as a reallocation of halibut, but changing the standard operating procedure of commercial trawl fisheries, producing a cleaner fishery that everyone can be proud of.

For more than two decades, SCBOA has asked the Council to consider reducing the halibut bycatch of the trawl fisheries in the BSAI, as well as the Gulf of Alaska. Our requests have fallen on deaf ears because of the economic and political powers of the commercial fisheries. The decline of the halibut stock comes as no surprise to us. The amount of halibut bycatch and wastage in the trawl fisheries, which has accrued over two decades is simply not sustainable and not acceptable.

We are glad to have others join us in requesting the lowering of halibut bycatch limits. Perhaps there is still time to boost the halibut stocks back to a level where sport anglers are allowed two halibut per day, of any size. To think there is an infinite supply of halibut in the ocean, or that halibut is not as important or valuable as another species, is simply incorrect.

SCBOA believes the Council is in a position to start managing halibut for everyone's benefit. Lowering the bycatch limits and maintaining a feasible business enterprise is possible for the trawl fishery. The commercial fisheries only need an incentive to practice a cleaner harvest. Mandating a lower bycatch will do this.

Thank you for your time and attention.

Sincerely,

*Theresa Weiser*

Vice President

Sitka Charter Boat Operators Association

—Attachments: \_\_\_\_\_

SCBOA Comments on BSAI Halibut Bycatch Reduction -- 5-24-2015.pdf

341 KB

## Sitka Charter Boat Operators Association

PO Box 2422 Sitka Alaska 99835



May 24, 2015

North Pacific Fishery Management Council  
605 West 4th, Suite 306  
Anchorage, Alaska 99501-2252

Via email: [npfmc.comments@noaa.gov](mailto:npfmc.comments@noaa.gov)

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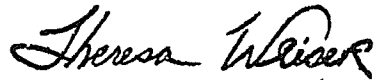
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Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink that reads "Theresa Weiser". The signature is written in a cursive style with a large, prominent initial 'T'.

Theresa Weiser  
Vice President  
Sitka Charter Boat Operators Association

## C-2 BSAI HALIBUT

Dear North Pacific Fishery Management Council,

My name is Hailey Thompson and I am a third generation Alaskan native born and raised in Kodiak, Alaska. Currently I am nineteen-years-old and a sophomore attending Oregon State University. As a little girl I grew up on the back deck of my families fishing vessel learning the ropes and politics of the commercial, subsistence, and sport halibut fishing industry.

I am contacting you today as a small IFQ holder and on behalf of all Alaskan residents and my family. I would like to express my concern for the Alaskan halibut fishery and its decreasing biomass and quotas. I feel this is intolerable and a colossal waste of Alaska's iconic halibut resource by the Bering Sea trawl fleet.

The current bycatch limit for the Bering Sea trawlers not only negatively affects the men and woman who directly participate in the halibut fisheries. It also affects the families that depend on the income of this rich fishery for their current livelihood and futures. My family is just one example that has experienced a decrease in their income. This is worrisome for someone who currently and has always relied heavily off a once sustainable fishery to help pay for my college education.

Sustainable fisheries can only be possible with conservation on ALL parties. It is astonishing to me that a steady reduction in catch limits for us, the directed users, is a necessary conservation measure, yet the PSC limit has not budged for the trawl fleet in over twenty years. That is startling fact that I am sure everyone would agree does not constitute adequate measures in trying to avoid a conservation emergency.

The legal destruction of up to 7.32 million pounds of halibut, over twice as much as directed users are legally allowed to catch, is disgusting and wrong. I urge you, National Pacific Fishery Management Council to take action to insure a cleaner and more responsible Bering Sea trawl fishery. Reducing BSAI bycatch cap to 50% would not only be a step in the right direction but a stand for a more conscientious Alaskan commercial fishing fleet.

Thank you for your time,

Hailey Thompson

**Subject:** C2 Bering Sea Halibut PSC ( bycatch )  
**From:** "Captain Scott" <captscotthomer@gmail.com>  
**Date:** 5/25/2015 8:12 PM  
**To:** <npfmc.comments@noaa.gov>  
**CC:** <captscotthomer@yahoo.com>

To whom it may concern at NPFMC,

May 25, 2015

I am a halibut charter captain and concerned citizen in Homer, Alaska and would like to voice my concern about the Halibut Bycatch Issue.

Please initiate regulations that will slow down the halibut bycatch mortality in the Bering Sea. These are millions of wasted halibut that should not be dying, collateral damage as it were, and we certainly have the technical know how to change the situation if only we had the political will. The halibut resource is so valuable to many user groups both commercial and private. So please protect this resource and regulate the halibut bycatch in the Bering Sea Trawl Fishery.

Thank You for your time,  
Scott Glosser  
Box 3133  
Homer, Alaska 99603

**Subject:** C2 – Bering Sea Halibut PSC Final action  
**From:** Patrick Filbin <pat.filbin@yahoo.com>  
**Date:** 5/25/2015 8:49 PM  
**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

My name is Pat Filbin, I live in Fairbanks and I fish (recreationally) in Alaska for halibut and many other ocean dwelling fish.

I as a recreational fisherman and I am very concerned about the high level of by catch of Halibut in the Bering Sea as described in your Final action item C2 - Bering Sea Halibut PSC.

We know that the Bering Sea has a huge population of juvenile halibut and that those halibut migrate from the Bering Sea to other areas throughout the range of the Pacific halibut. Right now the trawl by catch is preventing millions of halibut from leaving the Bering Sea and repopulating other areas.

This practice must be curtailed immediately or rural communities will suffer and the future of halibut fishing all over the Pacific will continue to be threatened. These are unacceptable risks to most of the users of this iconic resource to the benefit of a small number of trawl vessel owners and crews. It is one thing to ask all users to conserve a resource, but it is quite another all together to ask most users to sacrifice and conserve the resource to benefit of a specific group of large factory trawlers. That is what is happening and it is not fair or equitable. By Catch not only needs to be reduced and then linked to abundance, so all users can share in the sacrifice and in the benefits of a healthy resource.

Please show Alaskans and visitors to Alaska for the purpose of Halibut fishing that you care about the communities and the resource and take significant action to reduce Bering Sea By Catch of halibut to a level that provides opportunity for the rest of us and protects millions juvenile halibut for being caught and discarded.

Sincerely,  
Pat Filbin

**Subject:** Agenda Item C2, Halibut PSC  
**From:** jan standaert <j\_standaert@hotmail.com>  
**Date:** 5/25/2015 8:53 PM  
**To:** "NPFMC.comments@noaa.gov" <npfmc.comments@noaa.gov>  
**CC:** Sara <sara@dsfu.org>, Shawn Mcmanus <shawn.mcmanus@yahoo.com>

May 26, 2015

Mr. Dan Hull, Chairman  
North Pacific Fishery Management Council  
605 West 4th Street, Suite 206  
Anchorage, AK 99501-2252

Dear Chairman Hull,

In reading some the letters written to the council against the 50% reduction in halibut by-catch in the Bering Sea and thereby allowing arguably further depletion of the directed fishery halibut stocks, I was struck by the self interest and short sightedness of the Amendment 80 support industries. Not one letter of opposition recognized the future of the halibut resource. The potential that, if the bycatch continues out of control, it is only a matter of time before the science will show a depleted halibut resource. Consequently the trawlers, under MSA mandate, could be shut down, thereby financially hurting the trawler support business' as well. If companies are looking for longevity in their business plan it can only be achieved by keeping all species in the ocean healthy. Comparing the economic value of one specie to another is a dubious endeavor when considering the goal of sustainability in a highly complex environment. The true value is not the price of a fish when it gets to the surface of the ocean but it's worth in the sea as part of a delicate balance. It is important that we remove fish from the ocean in a holistic manner, taking care not to disrupt the balance.

The fact that the trawlers in both the Bering Sea and Gulf of Alaska fish their complex under a constant and unadjusted halibut by-catch cap ignores the holistic approach to fisheries management. The directed halibut fishery has had severe reductions in biomass in areas where trawler by-catch is either not adjusted or not known. This is not a coincidence but rather fairly predictable as was evidenced when the foreign trawlers plied our fishing grounds.

The Bering Sea bottom trawl fisheries, which has the facts and the observer coverage, needs to face up to their threat to the long term habitat destruction as well as their effect on the complex ecosystem. And in the Gulf of Alaska, where the observer coverage is severely lacking, we do not have the by-catch information to make any rational judgement. I believe that in both cases, the Bering Sea and Gulf of Alaska, we, the user group and the management body, need to take the side of conservation. A 50 percent reduction in the halibut by-catch in the Bering Sea is a good start. Anything less spells doom for the directed fishery in Area 4CDE.

Sincerely,

Jan Standaert



41 years fishing in Alaska.

May 23, 2015

Mr. Dan Hull, Chairman  
North Pacific Fisheries Management Council

Re: Halibut PSC reduction C-2

Dear Chairman Hull;

I have fished halibut in the Bering Sea for 20 years.

Let's consider numbers of fish instead of pounds of PSC. We don't talk about pounds of Chinook bycatch. We talk about individual fish. The number of individual fish taken as bycatch in the BSAI trawl fishery is dumbfounding.

The best science tells us that large numbers of juvenile halibut are concentrated in the Bering Sea. Numerous tagging studies over the course of decades show that they leave the Bering Sea and populate all areas of the North Pacific as far south as Oregon and California.

The attached graph (number 1) shows that the number of individual fish caught in trawl bycatch just in the BSAI is comparable to the number of individual fish caught in the directed fishery in the ENTIRE coastwide range of halibut – west of Kiska to north of St. Matthews, south to California. The average weight per fish landed in the directed fishery was 22.3 lbs. Coastwide landings were 23.69 million lbs. in 2014. That was 1.062 million fish. The BSAI trawl bycatch mortality was 5.009 million pounds at an average weight of 4.76 pounds/fish, a total of 1,052,000 halibut.

The bycatch fishery in the Bering Sea removes more individual fish than the entire Alaskan directed fishery. (graph 2)

What does it mean to lose over a million juvenile halibut annually out of one area of the range? A substantial reduction of this loss will benefit the conservation of the halibut resource for all users everywhere. Lost are a million juvenile fish that mostly never spawn. The directed fishery only allows 1 million fish taken from across the entire range of the population. Spatial distribution of harvest is an important consideration for the conservation of the halibut resource. So is genetic diversity.

Uncertainty: Many testifiers from the trawl fleet have stated that there has been a huge biomass of halibut in the Bering Sea. Halibut are everywhere and impossible to avoid while they are trawling. The best science says that there WAS a huge year class of halibut. The problem is they disappeared as juveniles and never reached maturity. Taking a million halibut a year with an average size of less than 5 pounds from one area is affecting the sustainability of the stock.

"Juvenile Halibut Distribution and Abundance in the Bering Sea/Gulf of Alaska", "In more recent years, the 2004 and 2005 year classes were captured in very large numbers in the trawl survey, but have failed, as of yet, to appear in commercial or

set line survey samples as anything but average-size year classes." (Authors: Sadorus, Stewart, and Kong) IPHC 2014 RARA p. 367-370 "The 2004 and 2005 halibut year classes, which showed very strongly in the Bering Sea trawl survey for several years as young fish, have as of yet failed to recruit in large numbers to the commercial fishery as expected." p. 376

The halibut biomass has declined for over a decade and with it the directed fishery's allocation. The IPHC, managing the directed users, has run out of room to manage. At this year's annual meeting the directed fishery was approaching zero for the biggest area of the Bering Sea (4CDE). People have argued that PSC shouldn't be reduced because this is an allocation fight between fishermen. A dead fish is a dead fish.

Two points: Why would bycatch users get de facto priority use of the resource as management is now? There is no successful fishery management standard anywhere that targets juvenile fish over managing the spawning biomass. If the stock assessment this summer or next decade shows a continued decline in the spawning biomass and the directed fishery is closed and NMFS manages a bycatch fishery that is mostly juveniles, how would that program conserve the resource?

Furthermore the understanding of the resource is uncertain. As it is the IPHC has the longest standing stock assessment/survey in the North Pacific. Even so on a declining resource the IPHC failed to arrest the slide. Every year for a decade the managers came back the following year with a lower estimate of abundance. Their retrospective analysis showed they were losing 8% a year over a long period of time. One theory was that the cause was unaccounted mortality of juvenile fish. The IPHC eventually corrected their assumptions two years ago by a downward revision of 55 million pounds of biomass in one year. The stock appears low and steady now, but given the uncertainty of removing large numbers of juvenile fish from one area of the Bering Sea it is essential that managers stem the loss. Reducing PSC is essential to the conservation of the resource.

Requirements of the Magnuson-Stevens Act National Standards: Action is required under the following Magnuson-Stevens Act obligations.

National Standard 9 – NMFS and the Council are required to minimize bycatch to the extent practicable. The high amount of halibut bycatch is impeding NMFS's ability to protect marine ecosystems and achieve sustainable fisheries as well as precluding more productive uses of the halibut resources, in violation of National Standard 9. Practicable all hinges on the bycatch users' ability to change fishing behavior. Deck sorting, halibut excluders, not fishing at night, making shorter tows, seasonal adjustments to fishing schedules, operating in a fully rationalized fishery with individual accountability for bycatch, etc. are all practical. In the history of fishery management no fisherman has ever offered up a potential constraint to his business, but we know of a hundred examples where fishermen have adjusted and still catch their quotas.

When halibut PSC measures were last significantly modified in 1989 the BSAI groundfish fisheries were mostly unrationalized races for fish. The halibut abundance was roughly twice the size as it is now. Today with roughly the same amount of PSC and half the halibut hazard (abundance) the fleets are also mostly rationalized (with the exception of TLA cod trawl), with individual accountability and no race for fish. Doesn't this speak to practicability? Unless groundfish quotas are much greater than they were, shouldn't halibut be much easier to avoid?

National Standard 9 vs. National Standard 1 – In the EA, NMFS states that it must balance the need to minimize bycatch with the need to achieve optimum yield, but National Standards 1 and 9 are not at odds. The Magnuson Act states that yield is optimum when it takes into account protection of marine ecosystems. It should provide the greatest overall benefit to the Nation and must be reduced by relevant social, economic and ecological factors. These are the same considerations that instruct the Council to reduce halibut bycatch. In addition, to the extent bycatch is interfering with the ability of directed halibut fishermen to catch halibut, it conflicts with achieving optimum yield of halibut.

National Standard 5 – Reducing the bycatch of halibut would only improve efficient utilization of the resource. National Standard 5 guidelines state that efficient use of a resource is achieved only if misuse of valuable biological or economic resources is minimized. Conservation of the resources is the primary basis against which efficiency must be measured.

National Standard 4 – National Standard 4 requires that all allocation be reasonably calculated to promote conservation. A measure that gives the advantage to one sector of a fishery does not violate National Standard 4 when the measure benefits the conservation of the fishery as a whole.

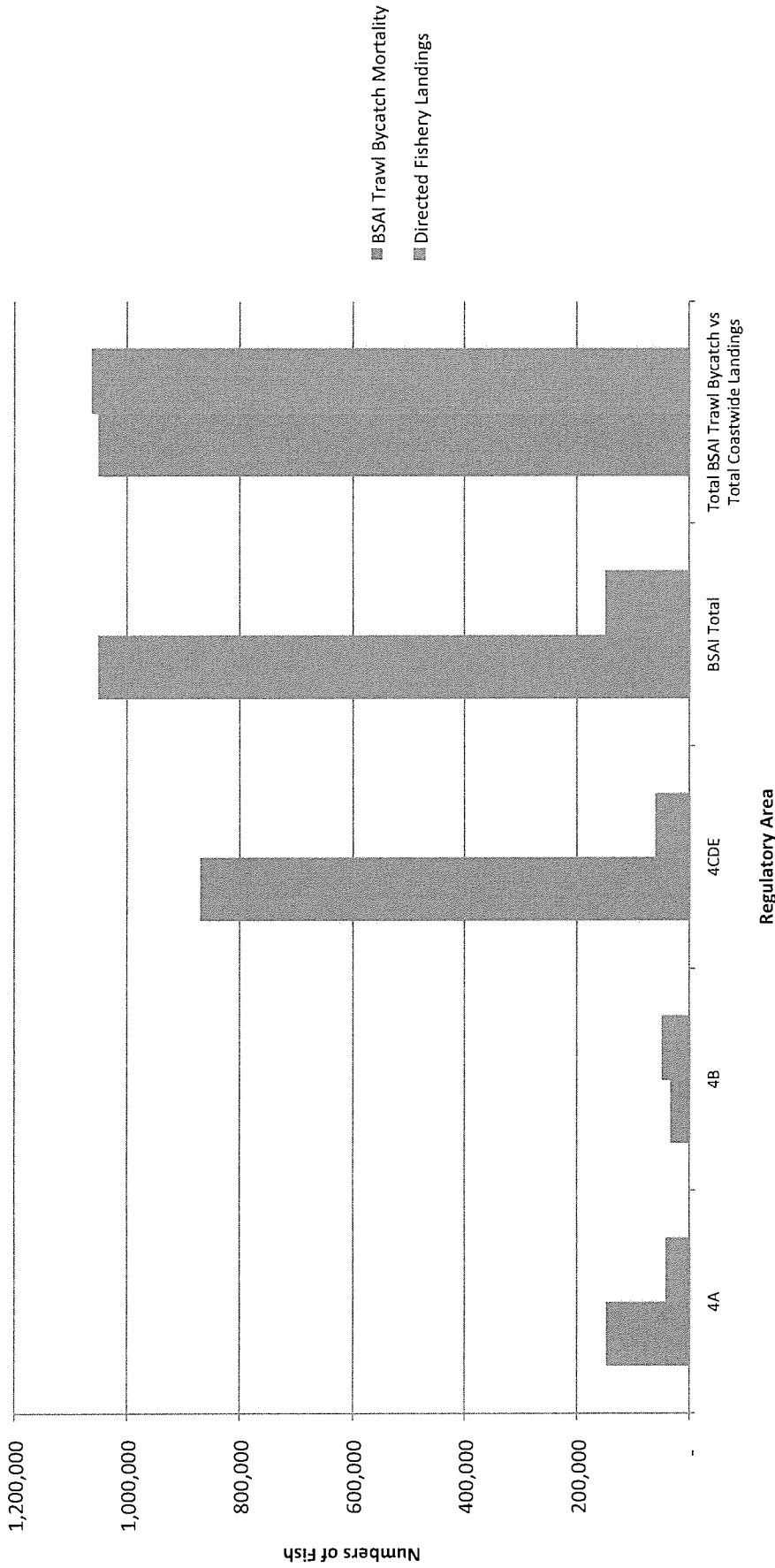
National Standard 8 – Reducing halibut bycatch fosters long-term fishing opportunities for Alaskan communities and minimizes the adverse economic impacts on those communities.

Halibut are in need of conservation and management and NMFS is required to develop status determination criteria to assess whether overfishing is occurring either by including halibut as a stock in the fishery in the Groundfish FMP or by developing a separate Halibut FMP. Without a significant reduction in PSC NMFS is allowing huge removals of juvenile halibut from one area of the stock without knowing its impacts on the ecosystem.

Sincerely,

Buck Laukitis

Comparison of Halibut Fishery Landings and Bering Sea/Aleutian Islands (BSAI) Trawl Bycatch Mortality, numbers of fish (animals), 2014

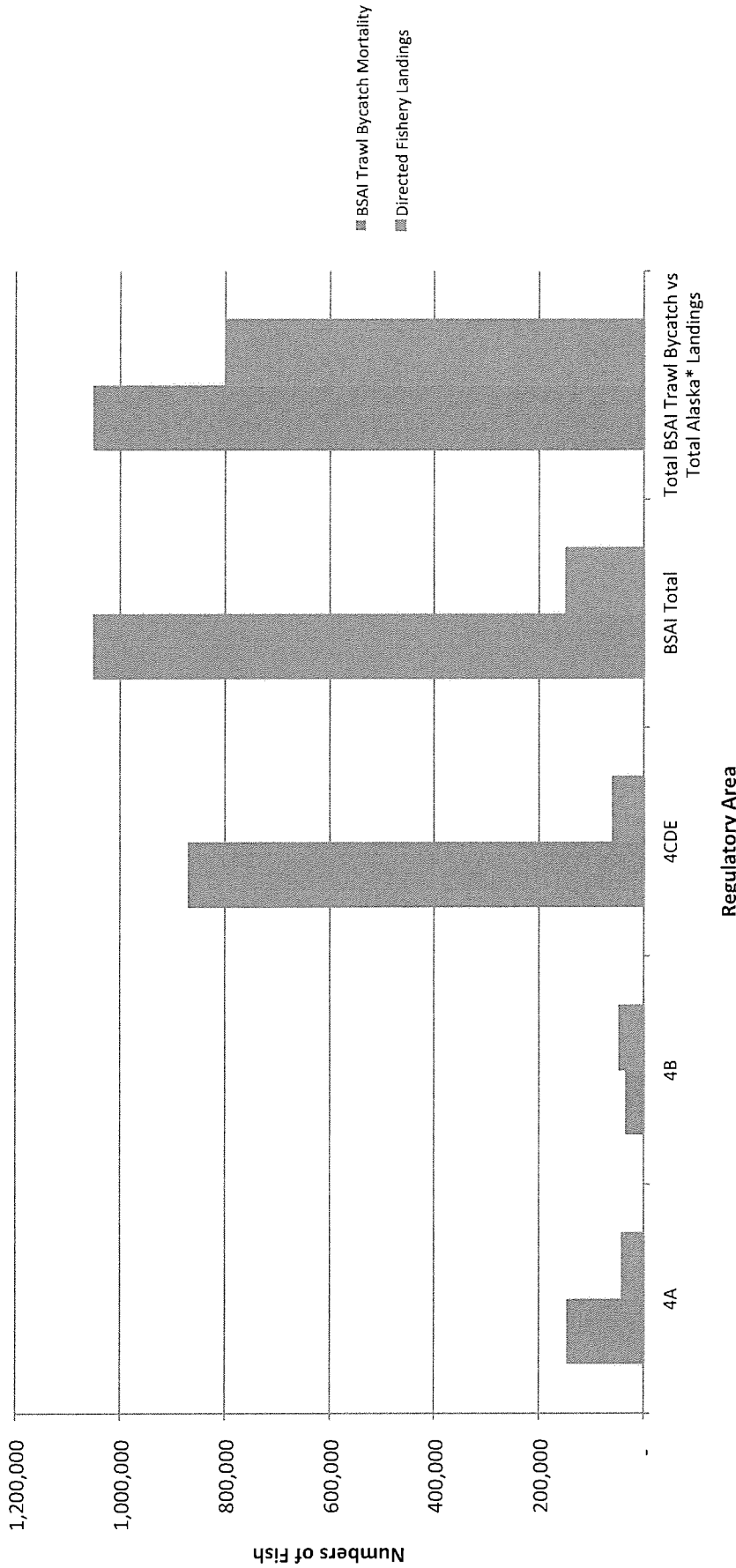


**In 2014, BSAI trawl fisheries killed and discarded seven times more halibut (animals) than the directed fishery landed in the BSAI**

- Trawl bycatch mortality in the BSAI was 5.009 million lbs. – at an average weight of 4.76 lbs. per fish, a total of 1.052 million halibut
- The directed fishery in the BSAI landed 3.28 million lbs. – at an average weight of 22.1 lbs. per fish, a total of 149,000 halibut
- The directed fishery in all areas, coastwide, landed 23.69 million lbs. – at an average weight of 22.3 lbs. per fish, a total of 1.062 million halibut

Sources:  
Stewart, I.J.. Personal Communication via email, March 23, 2015  
NMFS. 2015. Halibut Mortality Estimate. January 8, 2015.  
Forsberg, J.E. 2015. Age distribution of the commercial halibut catch for 2014. Int. Pac. Halibut Comm. Report of Assessment and Research Activities 2014: 83.  
Stewart, I.J. 2015. Overview of data sources for the Pacific halibut stock assessment and related analyses. Int. Pac. Halibut Comm. Report of Assessment and Research Activities 2014:107.

Comparison of Halibut Fishery Landings and Bering Sea/Aleutian Islands (BSAI) Trawl Bycatch Mortality, numbers of fish (animals), 2014



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- The directed fishery in the BSAI landed 3.28 million lbs. – at an average weight of 22.1 lbs. per fish, a total of 149,000 halibut

**BSAI trawl fisheries also killed and discarded more halibut than the entire directed fishery in Alaska**

- The directed fishery in Alaska\* landed 17.28 million lbs. – at an average weight of 21.65 lbs. per fish, a total of 798,000 halibut

\*IPHC Regulatory Areas 2C,3A,3B,4A,4B, and 4CDE

Sources:  
Stewart, J.J., Personal Communication via email, March 23, 2015  
NMFS, 2015. Halibut Mortality Estimate, January 8, 2015.  
Forsberg, J.E. 2015. Age distribution of the commercial halibut catch for 2014. Int. Pac. Halibut Comm. Report of Assessment and Research Activities 2014: 83.  
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PO Box 210064 Auke Bay AK 99821 (800) 877-2661

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May 25, 2015

North Pacific Fishery Management Council  
605 West 4th, Suite 306  
Anchorage, Alaska 99501-2252

RE: Comments Agenda Item C2, Final Action - BSAI Halibut PSC limits

Dear Mr. Hull and Members of the Council:

I am a lodge owner in Southeast Alaska and have been in business for 34 years. We have seen dwindling halibut stocks even after years of commercial and charter angler reductions in catch limits. Our efforts have been dwarfed by the amount of halibut bycatch allowed to go unchecked in the Bering Sea. Efforts of the trawl fleet to self-manage their bycatch comes too little and too late. We are in a state of emergency and I urge the Council to take effective measures to stop this continued carnage so that future generations of recreational anglers will have access to a healthy halibut fishery.

Regards,

A handwritten signature in cursive script that reads "Richard Yamada".

Richard Yamada  
Owner/Manager

**Subject:** C-2 BSAI halibut  
**From:** "Charles and Patty See" <seepv@att.net>  
**Date:** 5/25/2015 9:44 PM  
**To:** <npfmc.comments@noaa.gov>

I've commercially fished halibut here in Alaska now for **38 years**. My IFQ catch was to be a **very major part of my retirement**; my wife and I are **both 70 now and just get by on social security**; My 3A (earned) and especially my 3B (purchased) allowable catch have both been **reduced tremendously**, especially over the past six or seven years. We're talking easily **reductions of 60+% in just the last few years alone**, and that's our targeted species!!!

Please, please, please **reduce the BSAI halibut bycatch by at least that amount**.

The burden to conserve this resource has almost solely been **born by the commercial halibut fleet for too many years**. **All fisheries impacting the halibut harvest (and wastage by trawlers) need to conserve the resource, and do so ASAP, not another one, two, or three years down the road, but now, at last!**

Respectfully,  
Charles See  
314 Rogers Rd.  
Kenai, Alaska 99611

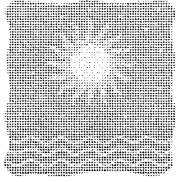
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Version: 2015.0.5961 / Virus Database: 4354/9865 - Release Date: 05/25/15





# Captain Greg's Charters

Capt. Greg Sutter

P.O. Box 2202, Homer, Alaska, 99603-2202

email: [captgreg@alaska.net](mailto:captgreg@alaska.net) website: [www.CAPTGREG.com](http://www.CAPTGREG.com)

Toll free (877) 235-4756 (907) 235-4756 Cell: (907) 399-4856

May 25, 2015

North Pacific Fishery Management Council  
605 West 4th, Suite 306  
Anchorage, Alaska 99501-2252

Re: BSAI Halibut Bycatch Reduction

Dear Mr. Chairman and Members of the Council,

Please reduce bycatch to as close to zero as possible. The trawl industry deploys the most destructive gear type without question. The maximum option being considered now is a 50% reduction proposal. In my estimation, it should be reduced much further, but 50% is a start.

Over the last twenty plus years, we have witnessed many people in the directed fishery cut out of the halibut fishery due to non-qualifying under the Individual Fishery Quota program and due to consolidation of the industry. Alaska lost jobs. In the charter fishing sector, regulations cut a substantial amount of operators from the industry and reduced opportunities for its clients (i.e. recreational anglers), related industries and potential operators and deckhands. Again, Alaska lost jobs. Barriers to entry were raised making it more difficult for younger generations to participate in the fishery. These previous measures were an attempt to stabilize those industries and promote conservation. Yet during this period, we have seen the resource substantially diminished and Alaska lost jobs in the fishery. What is left for this Council to do that previous Council members did not take substantive action upon: bycatch reduction? It should have been the first step decades ago.

Meaningful bycatch reductions are a major problem that this Council must resolve. As you know, it not only has a detrimental effect on the resource, and not only halibut, but future opportunities for all participants in the fishery: subsistence, sport, directed commercial and other critters that rely on a healthy resource. It is well documented that there exists an easterly migration of halibut and all dependent on the resource that exist downstream are negatively impacted by bycatch. Please take substantial measures to reduce it.

Sincerely yours,

Greg Sutter

**Subject:** C2 Bering sea Halibut PSC  
**From:** keith kalke <oceanhuntercharters@yahoo.com>  
**Date:** 5/25/2015 10:01 PM  
**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

Hello once again

My name is Keith Kalke And I own and operate Ocean Hunter Charters located in Homer Alaska. I have in the past written many letters and attended many council meetings in Anchorage on a variety of issues related to halibut. I put no hope or faith into the council process due to past experiences but I have been asked to write this letter in hopes of saving the halibut. I would seem to me that should be on every ones mind but I know how the special interests affect North Council votes.

I am asking the council place strict and effective restrictions on the Bering sea trawl fleet in order to protect the halibut and other species of by catch we need to survive. As a fisherman I am very concerned of the vast wastage of such a precious resource. If I am not mistaken haven't the Canadians reduced their by catch levels dramatically ?? As an American I feel we should lead the way, not follow any one else s example. I find that idea embarrassing and shameful.

Best Regards  
Capt. Keith Kalke  
Ocean Hunter Charters  
PO BOX 1900  
Homer AK 99603  
1-907-299-1735

**Subject:** Fwd: Bycatch  
**From:** Chip Porter <chip@kpunet.net>  
**Date:** 5/25/2015 10:02 PM  
**To:** npfmc.comments@noaa.gov

Begin forwarded message:

**From:** Chip Porter <chip@kpunet.net>  
**Subject:** Bycatch  
**Date:** May 25, 2015 at 3:28:56 PM AKDT  
**To:** [npfmc.comments@noaa.gov](mailto:npfmc.comments@noaa.gov)

I've been a fisherman for 45 years. Everyone in Southeast watches their quotas and size limits go down year after year after year.

When the hell are you people going to do something about it? When is the IPHC and the NPFMC going to buck up and do something about bycatch?

Thankfully I'm about done fishing, but my heart goes out to the youth of Southeast trying to make a go of it in either the halibut or charter fisheries.

Carl H Porter III - Ketchikan

**Subject:** C2 Bering sea Halibut PSC  
**From:** keith kalke <oceanhuntercharters@yahoo.com>  
**Date:** 5/25/2015 10:20 PM  
**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

My name is Keith Kalke I own and operate Ocean Hunter Charters in Homer Alaska.

I have been asked to write this letter in order to persuade the powers that be take immediate and effective measures to reduce or eliminate the by catch of halibut and other species in the Bering sea. I have in the past testified before the North Council on a variety of issues only to hear my words fall on deaf ears. So I'm writing this letter to you, only make myself feel better with no hope of changing a thing since I believe the council interests lie with the power brokers in Seattle and not in the interests of sound judgment and common sense laid out in front of you. I mean really, if you used that I wouldn't be writing this letter in the first place now would I.

Best regards  
Capt. Keith Kalke  
PO BOX 1900  
Homer Alaska  
99603

**Subject:** C-2 BSAI halibut  
**From:** David Lefton <d.lefton@gmail.com>  
**Date:** 5/25/2015 10:35 PM  
**To:** npfmc.comments@noaa.gov

Members of the council,

As an Alaskan subsistence and sport user I implore you to reduce the BSAI bycatch caps by at least 50%. Halibut consists of a substantial portion of my diet and sport fishing recreation. I feel it is unacceptable to face reductions in the amount of halibut I may catch, when such wasteful practices are tolerated among the Bering trawl fleet. The Trawl fishery is not even a primary user of this valuable resource yet last year they were allowed to waste 5 million pounds of juvenile Halibut in pursuit of low value ground fish. For over 20 years the trawl fleet have not had any reduction to this limit while all halibut user groups have faced reductions for at least the past ten years. While we've watched the stocks decline and the average fish size in Kachemak bay decline, trawlers, represented by a few special interests largely outside the state of Alaska are allowed to spit in the face of conservation and responsible resource management. These resources are intended for the benefit of all user groups and should not be made to suffer at the hands of a deep pocketed and largely unaccountable industry that has successfully fought curbing their grossly wasteful practices for such a long time. A cut in the BSAI bycatch caps is long overdue. Thank you for your time and consideration in this matter,  
David Lefton

PO Box 703,  
Homer, AK, 99603

**Subject:** C2 Bering Sea Halibut PSC  
**From:** wtellman@arctic.net  
**Date:** 5/25/2015 10:41 PM  
**To:** npfmc.comments@noaa.gov  
**CC:** Ephraim\_froelich@murkowski.senate.gov, erik\_elam@sullivan.senate.gov,  
bonnie.bruce@mail.house.gov

May 25, 2015

North Pacific Fishery Management Council  
605 West 4th Street, Suite 306  
Anchorage, AK 99501  
RE: Agenda C-2 Bering Sea Halibut PSC

Chairman Hull,

The Unalaska Native Fishermans Association represents commercial, recreational, and subsistence fishermen in Unalaska/Dutch Harbor, AK, in the Bering Sea and Aleutian Islands.

We are concerned about the high levels of halibut bycatch in the Bering Sea and request the North Pacific Fishery Management Council (NPFMC) to significantly reduce bycatch limits by 50%. A sector by sector approach may be warranted as some fisheries are less impacting than others.

Due to conservation concerns, the directed halibut fisheries have taken cuts in their quotas, while the bycatch users have not, and are taking a high percentage of juvenile halibut as well, which need protection.

Many of our members include tribal residents of Unalaska and the bycatch of halibut resource also threatens the halibut subsistence fishery.

We recognize the importance of the BSAI groundfish fisheries to Alaska's economy and to the many dependent jobs and applaud the efforts of some fisheries to reduce halibut bycatch and mortality. However, significant reductions in bycatch limits are required in order for directed halibut fisheries to remain viable and to restore fairness in the use of halibut and to conserve halibut for future generations of Alaskans.

Sincerely,

Vincent M. Tutiakoff, Sr.  
President, Unalaska Native Fishermans Association

Walter R. Tellman  
Secretary, Unalaska Native Fishermans Association

CC:

Senator Lisa Murkowski - [Ephraim\\_froelich@murkowski.senate.gov](mailto:Ephraim_froelich@murkowski.senate.gov)

Senator Dan Sullivan - [erik\\_elam@sullivan.senate.gov](mailto:erik_elam@sullivan.senate.gov)

Congressman Don Young - [bonnie.bruce@mail.house.gov](mailto:bonnie.bruce@mail.house.gov)

**Subject:** C2 Bering Sea Halibut PSC  
**From:** Kari Johnson <zfish@mac.com>  
**Date:** 5/25/2015 11:18 PM  
**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

Council members,

My name is Steve Fish. I live in Sitka and have depended on the commercial halibut longline fishery to put food on my family's table since before I had a family, like 41 years now. As a fisherman I have always accepted that when the biomass we depend on takes a downturn, we as harvesters must also expect to turn down the pressure we put on the resource.

The halibut resource has been in decline now for some years and I have accepted it as reasonable that our quotas have also declined, meaning a downturn in our business. A hopefully temporary drop in the fish available for harvest to give the resource a chance to rebound and quotas to, hopefully, turn up again.

While we who depend directly on the halibut resource to make a living have suffered from the drop in abundance, the ground fish trawlers in the Bering sea have managed to keep their level of halibut which is wasted in order to catch their target species at the same level for those years in which our quotas dropped. The areas of highest halibut bycatch were some of the same areas off limits to longliners for decades because of the high numbers of juvenile halibut there. It is now well known that the trawlers are allowed to catch millions of pounds of sub-5 pound juvenile halibut annually, preventing those halibut from growing, maturing and migrating eastward to all other areas of their range. Their allowable bycatch rates go unchanged as a cost of doing business while the thousands of commercial, charter, sport and subsistence fishermen bear the cost of conservation alone.

This situation must stop, the council must act at this meeting to drop Bering Sea trawl bycatch rates by at least 50%. Please take your responsibility seriously to protect our resources fairly between sectors. I know it's not always simple avoiding excessive bycatch. I also know that it has to be done here, that it's time to take some pressure off the halibut resource and put it on the trawlers to find the way out of excessive bycatch of halibut.

Thank you for your consideration, and for the opportunity to comment.

Steve Fish

Sent from my iPad



**Subject:** C2 Bering Sea Halibut PSC

**From:** Kari Johnson <zfish@mac.com>

**Date:** 5/25/2015 11:26 PM

**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

**CC:** "Ephraim\_froelich@murkowski.senate.gov " <Ephraim\_froelich@murkowski.senate.gov>,

"erik\_elam@sullivan.senate.gov" <erik\_elam@sullivan.senate.gov>,

"bonnie.bruce@mail.house.gov" <bonnie.bruce@mail.house.gov>

Council members,

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Thank you for your consideration, and for the opportunity to comment.

Steve Fish

Sent from my iPad

**Subject:** C-2 BSAI halibut  
**From:** Marissa Wilson <wilson.marissab@gmail.com>  
**Date:** 5/25/2015 11:56 PM  
**To:** npfmc.comments@noaa.gov  
**CC:** erik\_elam@sullivan.senate.gov, bonnie.bruce@mail.house.gov

Dear decision-maker,

It can be difficult to convey the depth of one's sentiment when writing - it is estimated that over ninety percent of communication is nonverbal. My message to you is faceless. I cannot stand before you as the daughter of a halibut IFQ holder, with shoulders broadened by summers spent lifting tubs of soaked longline gear, body nourished year-round by the animal. As I struggle to articulate something rooted deep in my core - an instinct - about an issue woven tightly into the complex systems of biology, management, and human behavior, the task feels daunting.

Fortunately, I find strength in my voice knowing that I can convey a message which speaks for hundreds of others who may not write or fly to Sitka.

The point where we compromise sustainability for profitability is a caustic one. After educating myself on the issue by thoroughly researching both sides, this is what the issue boils down to.

The facts are clear: with the average size of halibut caught as BSAI trawl bycatch just under five pounds, millions of juvenile fish destined to migrate to waters ranging as far south as California have been wasted as bycatch, preventing robust populations from taking hold. For twenty years, the trawl fleet has escaped meaningful cuts to their caps on bycatch. The fleet makes arguments that their gear type has low *rates* of bycatch, and in light of the profitability of their industry, the waste is inconsequential. It is inconsequential, perhaps, to the select few who land the profits from the wasteful geartype. With those profits come power - even the rates reported are questionable, as observer coverage on the fleet has been carefully crafted to give trawlers an advantage in reporting low numbers.

Direct users of halibut, on the other hand, have absorbed the devastating effects of a resource now low in abundance. For fourteen years we have accepted regular, deeply consequential cuts to our own harvest.

It is time for trawl bycatch caps in the BSAI to be reduced by 50%. There is a responsibility to our oceans, peers, and future generations to do so. Profits must shift from the hands of a few back to the health of an entire resource and those dependent on it.

Thank you for your time and consideration.

Respectfully,

Marissa Wilson  
PO Box 703  
Homer, AK 99603

**Subject:** trawl bycatch

**From:** john skeele <johnskeele@yahoo.com>

**Date:** 5/26/2015 3:47 AM

**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

Dear NPFMC

I am writing you today to urge you to implement the 50% halibut bycatch reduction in the Bering sea trawl fishery!! As a 37 year veteran of the small boat halibut longline fleet , I have been forced to seek out other fisheries. I have been forced diversify in order to survive the severe cuts in the halibut quota. My catch has been cut by almost 70%, but the trawl bycatch has stayed consistently high. How is it possible to rebuild the halibut stocks when the little fish never grow up to be big fish??

I personally am near the end of my career as a halibut longliner, but both of my children are fisherman, and they need access to a healthy and relatively stable halibut resource, so I am asking you today to PLEASE STOP THE WASTE!!! vote for the 50% bycatch reduction.

Me and my family and thousands commercial fisherman, charter fisherman and their clients, and sport fisherman will thank you for doing the right thing

Sincerely John W. Skeele f/v Sunfish

**Subject:** C2 Bering Sea Halibut PSC  
**From:** "Dave M. Shumway" <dave@daveshumway.com>  
**Date:** 5/26/2015 4:30 AM  
**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

**Reduce halibut bycatch caps in the Bering Sea by no less than 50%.**

**David Matthew Shumway**  
**Montana resident, regular Alaska visitor and halibut fisher/consumer.**  
**Professor at Rocky Mountain College**  
**May 26, 2015**

Sent from my iPhone 6+

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Dave M. Shumway

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<http://DaveShumway.com>

**Subject:** C2 Bering Sea Halibut PSC  
**From:** Danielle Smith <dsmithz\_70@yahoo.com>  
**Date:** 5/26/2015 6:46 AM  
**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>  
**CC:** Danielle Williams <dsmithz\_70@yahoo.com>

May 26, 2015

North Pacific Fishery Management Council  
605 West 4th Ave, Suite 306  
Anchorage, AK 99501

Dear NPFMC Members:

I'm writing today to strongly urge you to reduce halibut bycatch caps in the Bering Sea by no less than 50%.

I'm an Alaska resident since 1993. My connection to the resource is as a recreational fisherman, consumer and someone who cares about conserving the health of our oceans and fisheries. For many summers throughout the 90s, one of my favorite summer activities was halibut fishing out of Homer with friends and visiting family members. Back then, it seemed a thriving fishery.

In more recent years I learned about the declining halibut populations. Wanting to do what I could to reduce pressure on the fishery, I decided to stop halibut fishing altogether to ensure I wasn't contributing to the decline. But I recognized that this wasn't the answer to the issue. Unless something happened at a policy level this gesture would amount to little.

I was unaware until recently about the role of the NPFMC, and how bycatch limits set in the Bering Sea impacted Kachemak Bay, and beyond. But now I know, which is why I write to you today. The Council can help effect the policy change that's needed. While I appreciate how complex fisheries management is, it's clear the current bycatch limits are not sustainable, and the burden to maintain what little remains of a halibut fishery is falling disproportionately on local Alaskan halibut fishermen.

On May 26th, I ask you to consider the long-term health of our oceans and fisheries, and the future of our coastal communities and our Alaskan ways of life. Please take final action on the proposed reduction of halibut bycatch caps in the Bering Sea so this amazing living resource will be around in the future.

Thank you again for your service on the NPFMC and for your consideration.

Respectfully,

Danielle S. Williams  
2029 Blueberry Street  
Anchorage, AK 99503

**Subject:** BSAI Halibut and A80 PSC  
**From:** Dave Kubiak <yarevik9@gmail.com>  
**Date:** 5/26/2015 7:15 AM  
**To:** npfmc.comments@noaa.gov

### **Cut A80 PSC by at least 50%**

In the last ten years, Bering Sea and Aleutian Islands trawl fisheries have killed and discarded 62.6 million pounds of halibut as bycatch. A significant percentage of these juvenile halibut, averaging a little less than five pounds, would have migrated over time to the east, populating the Gulf of Alaska, Southeastern Alaska, and eventually all the way to Northern California. So although the bycatch of halibut is occurring far away in the Bering Sea, its effect is being felt all over Alaska and the Pacific Northwest. For the 1,965 commercial halibut permit holders in Alaska, our quotas have shrunk by more than 60 percent in the last five years. The decline in available halibut has affected subsistence users, sports fishermen, and the charter fleets as well. What happens in the Bering Sea, in terms of halibut stocks, affects every halibut fisher of every stripe all the way to south and east to Fort Bragg.

When halibut fishermen complain about the bycatch, the push-back from trawlers generally is strictly economic. Low value flatfish in massive quantities are worth more than the sum of the halibut harvest, they say. The wasteful destruction of the halibut resource is the cost of doing business in the bottom trawl fisheries so the argument goes. You hear the same refrain for the wasting of the king salmon resource too. Is this the end of the halibut resource then? Does the simple argument of economics trump all other arguments in good fisheries management? Do we defer to economics in ethics, too? For the wasting of the halibut resource, indeed the wasting of any resource is an ethical problem. Halibut feed our families, offer us recreation, employ thousands, and perhaps more importantly, serve as a key element in the dynamic ecosystem that is the rich Bering Sea and Gulf of Alaska. Only when halibut occur in surplus or in numbers over the bycatch taken may we harvest them for our needs. The trawl industry in the Bering Sea claim they need to have the same bycatch allowance of halibut that they were granted more than twenty years ago when the population of halibut was high.

As you know, if you fish them, halibut numbers are down. The average size at age is down too. The halibut stock is in trouble. At an average weight of 4.76 pounds, in the Bering Sea and Aleutian Islands, 1,052,000 halibut were killed and wasted as bycatch in 2014. These little halibut had survived the most difficult stages of their life cycle and ordinarily would be expected to enter into the North Pacific mature stock and directed commercial fishery. Exterminating the halibut nursery is not good fishery management. In that same area, commercial fishers were allowed to catch 149,000 halibut. The average weight was 22 pounds. If we extrapolate the bycatch wastage to a mature 22 pounds we get roughly 22,000,000 pounds of wasted halibut.

While the National Marine Fishery Service and our delegation in Washington like to boast that the North Pacific Fishery Management Council is the best in the country, we know that the example of other fishery management councils is not all that good. The East Coast fisheries are suffering from lack of fish, in part no doubt to centuries of poor fishery management. In nearly every species back East, economics trumped conservation as the primary mover of management. Thus the 'sins' of the grandfather were visited upon the grandson. The management of our fisheries resources for the now does not bode well for the future. The North Pacific Fisheries Management Council has final action set for halibut bycatch on its agenda for its June meeting in Sitka. The halibut need a rollback in the bycatch in the Bering Sea and Aleutian Islands by at least fifty percent. That decision is on the table at that meeting. Every person and certainly every Alaskan who eats or fishes halibut or otherwise cares for the health of this incredible marine resource needs to write the NPFMC and let them know that this waste must come to an end.

Dave Kubiak



**Subject:** BSAI HALIBUT BY CATCH CAPS  
**From:** mtrotter <mtrotter@flyfishalaska.com>  
**Date:** 5/26/2015 7:30 AM  
**To:** npfmc.comments@noaa.gov

**We are urging the Council to reduce BSAI halibut by catch caps by at least 50%.**

Dear North Pacific Fishery Management Council,

**In 2014, Bering Sea/Aleutian Island (BSAI) trawl fisheries killed and discarded seven times more halibut than the directed fishery landed in the same area.** The current bycatch and waste of the halibut resource is unacceptable.

Our halibut quota or bag limit have been reduced, we request the Council to make a comparable reduction in bycatch to conserve the resource and historic fisheries.

Sustainable fisheries demand ALL sectors conserve during times of low abundance.

We urge the Council to conserve and protect the future of the halibut stock by reducing BSAI trawl bycatch caps by 50%

Halibut catch limits have been steadily reduced over the last 14 years in response to declining halibut abundance—but trawl bycatch caps have not been measurably reduced for TWENTY YEARS.

Most of the halibut killed in trawls are juveniles and have not yet contributed to the biomass.

70% of juvenile halibut tagged in the Bering Sea have been recovered in the Gulf of Alaska or further South.

Trawl bycatch jeopardizes the future of the entire Alaska halibut stock and all who depend on halibut for subsistence, sport or commercial harvest.

Thank you in advance for all your hard work and dedication in working toward a solution that would strike some sort of a balance of fairness to the Sport Charter Industry by **reducing BSAI halibut by catch caps by at least 50%.**

Respectfully and Sincerely,

Mike Trotter  
BEYOND BOUNDARIES EXPEDITIONS  
BARANOF WILDERNESS LODGE  
[www.flyfishalaska.com](http://www.flyfishalaska.com)  
P.O. Box 2187  
Sitka, AK 99835

Mike & Sally Trotter  
BARANOF WILDERNESS LODGE  
P.O. Box 2187  
Sitka, Alaska 99835  
800-613-6551  
907 738-9039 cell  
[WWW.flyfishalaska.com](http://WWW.flyfishalaska.com)  
[mtrotter@flyfishalaska.com](mailto:mtrotter@flyfishalaska.com)

May 25, 2015

Mr. Dan Hull  
Chairman, North Pacific Fishery Management Council  
605 W. 4<sup>th</sup> Ave., Suite 306  
Anchorage, AK 99501  
Submitted to: [npfmc.comments@noaa.gov](mailto:npfmc.comments@noaa.gov)

Subject: C2 Revise BSAI Halibut PSC Catch Limits

Dear Chairman Hull,

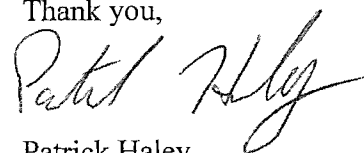
I am the captain of the *F/T Seafisher*, an Amendment 80 (A80) vessel in the Alaska Seafood Cooperative. I have fished in Alaska since 1981 on a variety of vessel types and can tell you that no fleet has worked harder than the A80 fleet to reduce their halibut bycatch. We employ a number of tactics including halibut excluders, moving away from areas with high halibut rates, test tows, and communication with other vessels on the grounds. Recently we invested in underwater cameras to see if they will be useful to help us fine tune our fishing practices and excluders to maximize halibut exclusion while minimizing target species loss. Many of these tools come at a cost and the costs are not insignificant, but we have done these things because it is the right thing to do. No fisherman wants to impact another fishermen's opportunity to earn a living and I think we have been successful in this endeavor.

At the upcoming meeting you must make a decision whether to adjust the halibut PSC limits and if so to what extent. An issue exists in the directed halibut fishery, but it is one of exploitable biomass, not total biomass. Putting severe restrictions in place for our fishery will not resolve the exploitable biomass issue in the directed halibut fishery. I see a lot of small halibut throughout the Bering Sea and this is consistent with the trawl survey biomass estimates. Nobody is sure why the halibut are not growing to exploitable size which has resulted in reduced halibut directed fishing quotas. Cutting our bycatch surely will not fix this problem.

I am responsible for providing a living not just for my family, but for each of the 50 men and women of our crew. For some of these individuals, fishing is the only job they've ever known and for others it's the only job they've been successful at. Fishing is how they support themselves and their families and it is how we provide financial security to the businesses that support us.

I ask that you truly consider what is practicable when you make your decision. The A80 fleet has shown they are a capable, innovative fleet when it comes to problem solving and we've worked hard to reduce our halibut bycatch. While I expect a reduction in our cap is coming, I ask that you look at our performance when you make your decision because it is our performance that counts and simply reducing the cap by a large percentage will do nothing but harm us.

Thank you,



Patrick Haley

May 23, 2015

Mr. Dan Hull  
Chairman, North Pacific Fishery Management Council  
605 W. 4<sup>th</sup> Ave., Suite 306  
Anchorage, AK 99501  
Submitted to: [npfmc.comments@noaa.gov](mailto:npfmc.comments@noaa.gov)

Subject: C2 Revise BSAI Halibut PSC Catch Limits

Dear Chairman Hull,

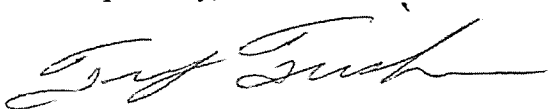
I have been the captain of the *F/T Ocean Peace* for 15 years and have fished in Alaska since 1985. As a long time captain in the Amendment 80 fleet I can tell you how serious we take halibut bycatch and that we've worked long and hard to reduce our impact to the halibut resource. We start avoiding halibut on January 20 each year and fish knowing that if we don't do a good job then we run the risk of having to go home early. This would have serious impacts on our crew, their families, and all of the businesses that are depending on us.

Prior to Amendment 80 we raced for all our target species and in the years leading up to rationalization, our halibut bycatch averaged 2,645 mt. Under rationalization our halibut cap was reduced to 2,525 mt and then further reduced 50 mt per year until 2012 where it has remained at 2,325 mt. In the last three years the Amendment 80 sector's average use has been 2,077 mt, which is more than a 21% reduction since pre-A80. We have achieved this greatly reduced level through better communication, having the ability to fish when and where it makes sense, and through innovation and new technology.

As a fellow fisherman, I feel for the directed halibut fishery. This is why our sector committed to voluntary reductions before the IPHC and Council, but we cannot solve the halibut fisheries issues alone. The exploitable biomass of halibut has declined significantly since 2000 and the overall biomass during that same period has gone up considerably. I can tell you that this is exactly what I see on the grounds – lots and lots of small halibut. The decline in exploitable biomass is not the fault of the trawlers and unfortunately the IPHC did not help the halibut fishermen by decreasing the minimum size limit which would have reduced their discards and increased their quotas immediately.

As a fisherman, I have a vested interest in maintaining healthy stocks of both directed and bycatch species. There is no conservation issue with halibut so crippling one sector to provide a marginal amount of relief to another sector is simply not in anyone's best interest. As an A80 captain I am committed to doing what we can to reduce halibut bycatch as far as is practicable, so I ask that you look at our history of responsible behavior and consider the reductions we have already been able to achieve when you make your decision in Sitka. Our bycatch performance is what matters when the IPHC sets the directed fishery quotas so please don't put our crew, their families and the businesses that support us in jeopardy.

Respectfully,



Terry Fisher

**Subject:** C-2 BSAI halibut  
**From:** John Engle <tugboatjohn7777@gmail.com>  
**Date:** 5/26/2015 7:39 AM  
**To:** npfmc.comments@noaa.gov

My name is John Engle and I live in Ketchikan, AK. I am the skipper/owner of the F/V Devyn Nicole and we own 2C Halibut IFQ. We have fished Halibut since 1986 and have seen our quotas reduced dramatically.

To hear that our sacrifices for the stocks are being compromised by BSAI bycatch is not fair. Everyone should shoulder the cuts in order to rebuild the stocks.

It is time to stop pussy-footing around this subject and reduce the BSAI bycatch caps by 50%!

Thanks, John Engle

**Subject:** Halibut Bycatch  
**From:** "Bob Brodie" <bbrodie@alaskan.com>  
**Date:** 5/26/2015 8:06 AM  
**To:** <npfmc.comments@noaa.gov>

Dear Council Members,

Having worked at the Alaska Department of Fish and Game for over thirty years towards sustainability of fisheries,  
I find it disturbing and even unbelievable that the current level of halibut bycatch had not been lowered dramatically  
over a decade ago. And despite some gear modifications, trawlers not only catch untargeted species, but some continue to  
harm the ocean floors and fish stock ecosystem threatening fishery food supplies. Please do not let the economic bluster  
of these fishermen trump all other economics allowing you to threaten diversity in the world's food sources.  
Halibut and King Salmon  
are two reasons many of us put up with the high cost of living in Alaska, and is also among the reasons tourists want to visit Alaska.

Sincerely,  
Joan Brodie

**Subject:** Halibut By-catch  
**From:** Rome Gilman <rome@wsiak.com>  
**Date:** 5/26/2015 8:12 AM  
**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>  
**CC:** Bruce Van Buskirk <bruce@wsiak.com>

Council members,

I would like to provide my comments to the council for consideration. By-catch is a really poor phrase to start with. It gives the perception that something is being taken by accident and that this makes it okay. I have maintained that there should not be any by-catch all of my life. If a individual citizen goes down to the river and has a "by-catch " of salmon or halibut that person gets a citation and a fine for "by-catching". Why is it that as soon as we allow individuals to use resources commercially for their benefit we have to suffer by-catch? This implies that these folks are unable to understand the difference between a Pollock and a Halibut? Let's get off the commercial fishermen are good managers of resources tack and let's get on the sustainable use requires sustainable practices. I have people asking me to request 50% by-catch caps reduction at the minimum. I request 100% by-catch caps. There simply is not any reason for by-catch being discussed as if it can't be helped. The same thing was said over porpoise in the Tuna gear. The waste continued right up until the moratorium was put on the tuna fleet. Suddenly the very people who could not survive without mass Porpoise by-catch were able to fish sustainably with zero porpoise by-catch.

The second part of this is that as a citizen of the United States and Alaska, I have a right to insist that my share of these resources be protected from wasteful use's. If the fisherman are unable to catch the target species without killing other species then they need to stop fishing. This thing is that simple. The fact is destroying other resources to harvest one particular species is bad science, bad management, bad business, and has no reason to be considered as a viable alternative.

Just like at the subsistence hearing years ago, the outcome is the same. If the council makes the rules the fishermen will follow them. The only thing that truly needs consideration is will the council meet the criteria of sustainable fisheries practice or will they continue to allow resources to be squandered until they are beyond recovery.

Thank you for consideration,  
Orville Gilman III

**Subject:** Comment on the Trawl fleet  
**From:** Marshall Jackson <zenabu80@gmail.com>  
**Date:** 5/26/2015 8:15 AM  
**To:** npfmc.comments@noaa.gov, Sara@dsfu.org

My name is Marshall Jackson. I have been a commercial fisherman for 6 years, I have seen the bottom trawlers and loads they have brought in and the damage they are doing to the fishery and the ocean.

Bottom trawlers have no way to control their target catch, since they just drag a net over the sea's floor and decimate everything in its path. Every living thing, every piece of coral every single thing in the path of the bottom trawler is destroyed. The bottom of the ocean is the fish's home, Like any animal they have an "environment" which is being destroyed by these boats. The same fish can be caught many other ways which does not destroy their environment.

I have heard it said from a trawl fisherman, "I kill an entire village before breakfast."

With the millions of pounds of undersize halibut; fish that long liners like me have to release, along with any other schools of fish that are not target for trawlers, and the destruction of the ocean environment, fisherman like me who have a specific target fish of a particular environment are having more and more difficulty because of these factors, and the fact that they can not reduce their bycatch by any means other than disposing the non-targeted fish which are dead or close to it when they come on deck.

With the presence of these problems I would call for a ban on bottom trawling.

**Subject:** C2 Bering Sea Halibut PSC

**From:** DM <sprucecape@hotmail.com>

**Date:** 5/26/2015 8:20 AM

**To:** <npfmc.comments@noaa.gov>

**CC:** <Ephraim\_froelich@murkowski.senate.gov>, <erik\_elam@sullivan.senate.gov>

I support at least 50% Halibut by catch reduction in the Bering Sea. No monetary reason should justify the elimination of the halibut resource. I have been fishing halibut commercially in Alaska for 35 years. I worked as a fisheries biologist and observer in the 1970s. And a trawler deckhand in the 1980s. I bought into the Halibut IFQ program. Lately its been a nightmare. I have had to sell quota just to make payments. I have lost \$700,000 in quota share value since 2009. My income is down 75 percent as well as my crew. The foreign fleets depleted halibut in the 1950s till they were kicked out in the 1970s. this time its much worse. and the communities that depend Halibut have been taking the hit and will suffer more.

Daniel R Miller  
F/V Anna D Inc  
Box 2865  
Kodiak, AK 99615  
(907)654-4621



F/V Golden Pisces  
PO Box 1523  
Newport, OR 97365

Mr. Dan Hull, Chair  
North Pacific Fishery Management Council  
605 W 4<sup>th</sup> Ave, Suite 306  
Anchorage, AK 99501

RE: Agenda Item C2: Final Action on Bering Sea Aleutian Islands Halibut Prohibited Species Catch Limits.

May 25, 2015

Dear Chairman Hull & Council Members

My name is Steve Beard and I am the Captain of the 98-foot F/V Golden Pisces. The Golden Pisces participates in the trawl caught Pacific cod and pollock fisheries in the Bering Sea and has since 1983 and 1995 respectively. I myself have been a commercial fisherman for close to 34 years. The Golden Pisces is not involved in any other fisheries and hence, we are heavily dependent on BSAI fisheries, and in particular, Pacific cod. The F/V Golden Pisces is a member of the Akutan Catcher Vessel Association cooperative and has been since 1985. We have been actively employing a variety of strategies to avoid halibut PSC and have done so over many years even prior to the current mandatory requirements dictated by the Intercoop Agreement.

Our own vessel has had remarkable success in reducing our halibut interactions but instead of being rewarded for those efforts we now find ourselves in the cross hairs once again. We are left to wonder whether the draconian reductions in halibut PSC levels being considered by the Council in June meet the definition of "practicable" as required by the Magnuson Act's National Standard 9. The discussion that occurs at the 30,000-foot level around a "sectors" allocation of PSC and reductions to the "sector's" allocation is really dramatically different then what occurs at the "individual vessel" level.

The F/V Golden Pisces has been maintaining a halibut bycatch rate of less then 1% in the Pacific cod fishery during recent seasons. The Council and National Marine Fisheries Service has already determined that some level of interaction with halibut is necessary to prosecute the groundfish fisheries and achieve optimum yield both for the fishery and its participants as well as to provide net benefits to the nation. The International Pacific Halibut Commission (IPHC) also agrees with this premise and that is why they set the bycatch limits prior to seeing the directed fishery allocations. So where is the tipping point? When does it become impractical for a catcher vessel to prosecute the cod fishery?

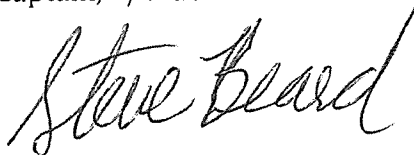
The F/V Golden Pisces is required to utilize a halibut excluder and we do. We are prohibited from fishing at night. We are required to use a codend with a minimum of 7" mesh size. In addition to all of these requirements, the F/V Golden Pisces wanted to ensure more precise estimates of our PSC rates and amounts of halibut so we opted for 100% observer coverage, which results in our vessel having to pay for the 100% coverage *and* pay the 1.25% fee associated with the partial coverage ODDS system. We have also voluntarily stood down from fishing on a number of occasions due to PSC interactions among other things. All of these efforts to avoid halibut are costly – both in terms of time and money. I am not sure it is practicable for us to do much more than we have already done.

Lastly, this decision is purely allocative. It considers taking fish made available to the directed groundfish fisheries and transferring it to the directed halibut fishery where it will be either caught and landed or discarded as “wastage” in the directed fishery. There is no conservation benefit to the halibut stock of that action. The few halibut that our vessel does intercept in the Pacific cod fishery are returned to the water as quickly as possible. The IPHC does not allow us to bring this fish in, they require the fish be discarded and the North Pacific Council complies with this requirement in the regulations. Painting the Bering Sea trawl catcher vessels as wanton wasters of the resource as has been suggested by many is patently wrong. And just who wins in this reallocation of fish? It is my understanding that the true beneficiaries of this reallocated fish are not the island communities and small boat directed halibut fishermen in area 4CDE, but rather the large quota holders, many of which are not Alaskan. The consumer certainly does not win. And neither do the communities that receive BSAI groundfish.

Before you take dramatic action that threatens the livelihood of individual trawl catcher vessel businesses and the crew that work on them please consider the impacts at the individual catcher vessel level. Please consider the amount of benefit that accrues to communities like Akutan and the workers in processing plants who are employed thanks to the groundfish that is delivered to those remote areas. My livelihood and the livelihoods of my crew are just as important as the livelihoods of directed halibut fishermen. Please remember that the definition of “practicable” means “able to be done or put into practice successfully” and that the decisions you make in June directly impact the lives of groundfish fishermen in the Bering Sea.

Thank you for your consideration.

Steve Beard  
Captain, F/V Golden Pisces

A handwritten signature in black ink that reads "Steve Beard". The signature is written in a cursive, flowing style.

**Subject:** "C-2 BSAI halibut"  
**From:** melissa <melsamoon@gmail.com>  
**Date:** 5/26/2015 9:20 AM  
**To:** npfmc.comments@noaa.gov  
**CC:** Ephraim\_froelich@murkowski.senate.gov, erik\_elam@sullivan.senate.gov,  
bonnie.bruce@mail.house.gov

Dear North Pacific Fishery Management Council,

I'm writing to ask you to conserve the halibut resource and historic fisheries by reducing BSAI halibut bycatch caps by at least 50%. As the wife and deckhand of a commercial halibut fisherman, our household income has taken cuts over the last 10 years to do our part for the resource. Sustainable fisheries means ALL sectors conserve during times of low abundance. It's time for the trawl fleet to do their part to conserve and rebuild the halibut resource. Thank you for your consideration.

Sincerely,  
Melissa Senac  
Box 155  
Gustavus, AK  
99826

**Subject:** "C-2 BSAI halibut"  
**From:** Paul Barnes <haikuaikido@gmail.com>  
**Date:** 5/26/2015 9:26 AM  
**To:** npfmc.comments@noaa.gov  
**CC:** Ephraim\_froelich@murkowski.senate.gov, erik\_elam@sullivan.senate.gov, bonnie.bruce@mail.house.gov

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I'm writing to ask you to conserve the halibut resource and historic fisheries by reducing BSAI halibut bycatch caps by at least 50%. As a commercial halibut fisherman, I have taken cuts in the last 10 years on my income to do my part for the resource. Sustainable fisheries means ALL sectors conserve and accept reductions during times of low abundance. It's time for the trawl fleet to do their part to conserve and rebuild the halibut resource. Thank you for your consideration.

Sincerely,  
Paul Barnes  
Box 155  
Gustavus, AK  
99826

**Subject:** "C-2 BSAI halibut"

**From:** Paul Barnes <haikuaikido@gmail.com>

**Date:** 5/26/2015 9:31 AM

**To:** npfmc.comments@noaa.gov

**CC:** Ephraim\_froehlich@murkowski.senate.gov, erik\_elam@sullivan.senate.gov,  
bonnie.bruce@mail.house.gov

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Sincerely,

Paul Barnes

Box 155

Gustavus, AK

99826

**Subject:** "C-2 BSAI halibut"

**From:** melissa <melsamoon@gmail.com>

**Date:** 5/26/2015 9:33 AM

**To:** npfmc.comments@noaa.gov

**CC:** ephraim\_froehlich@murkowski.senate.gov, erik\_elam@sullivan.senate.gov,  
bonnie.bruce@mail.house.gov

Dear North Pacific Fishery Management Council,

I'm writing to ask you to conserve the halibut resource and historic fisheries by reducing BSAI halibut bycatch caps by at least 50%. As the wife and deckhand of a commercial halibut fisherman, our household income has taken cuts over the last 10 years to do our part for the resource. Sustainable fisheries means ALL sectors conserve during times of low abundance. It's time for the trawl fleet to do their part to conserve and rebuild the halibut resource. Thank you for your consideration.

Sincerely,  
Melissa Senac  
Box 155  
Gustavus, AK  
99826

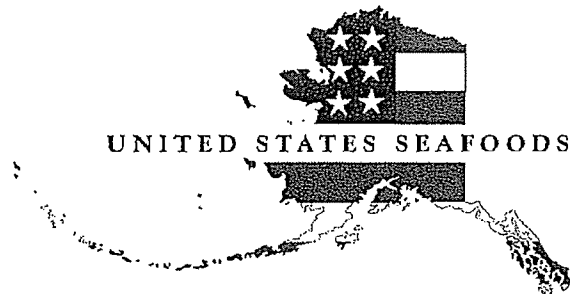
**Subject:** Halibut bycatch  
**From:** "Gloria Kennedy" <tbl@ak.net>  
**Date:** 5/26/2015 9:49 AM  
**To:** <npfmc.comments@noaa.gov>

Something needs to be done to stop the halibut wasted as by catch. How long do you people really believe that this practice can go on? The trawlers need to be stopped. If we need to buy out the trawlers, or help to finance converting their vessels to a method that does not rape all fish species, then it needs to be done -- maybe something on the line that was done to limit the King Crab vessels. We can't let one group of fishing boats wipe out the entire industry of others. What the hell are you people thinking? Or are you not thinking wisely because of the political and financial power of the trawlers?

All of us who live here in Alaska are impacted, in some way, by any loss in the fisheries. That you continue to allow this mass murder of a species by one facet of the industry makes me very suspicious of your loyalties to Alaska and to what is right for the industry. I hope you people FINALLY get the balls to do something to protect what belongs to a wide range of our citizens, not just a certain few!

Thank you for taking my opinion into consideration. I have lived in Alaska for over 40 years and wish to see our fishing industry sustained for many generations to come - not for just a few more years!!!!

Gloria Kennedy  
P.O. Box 66  
Kodiak, AK 99615



F/T Seafreeze Alaska • F/T Legacy • F/T Ocean Alaska • F/T Alliance • F/V Alaska Knight • F/V Alaska Beauty

Dan Hull  
North Pacific Fishery Management Council, Chairman  
605 W. 4<sup>th</sup>, Suite 306  
Anchorage, AK 99501

Dear Chairman Hull:

As President of United States Seafoods, an Amendment 80 company, I ask that you fully consider the detrimental effects of your action to reduce halibut bycatch in the Bering Sea and Aleutian Islands. My employees and I have worked hard for several years to develop our company from a single vessel operation to a significant participant in the Amendment 80 sector and the Bering Sea limited access fisheries. We now employ almost 500 people each year. We also employ several contractors and purchase goods and services from over 200 vendors and maintenance facilities throughout Alaska and Washington.

As you know, the Amendment 80 sector is held to and upholds the highest fishing industry standards in the Nation and worldwide. Our cooperative has exceeded the Council's retention standard, retaining over 90 percent of the catch from our multispecies fisheries, a level that surpasses retention levels in many single species fisheries, including some managed by the Council. We have 200 percent observer coverage on all of our vessels – and as much as 400 percent on vessels fishing under the current Exempted Fishing Permit examining the prospect of reducing halibut mortality by quickly returning those fish to the water. We have spent years developing excluders to reduce halibut bycatch and continue to develop and modify excluders to increase their effectiveness. As a result of our efforts and the flexibility and security of the Amendment 80 program, we have achieved substantial savings in halibut. Our use has been more than 20 percent below our historical average use prior to the program, dropping from average use of 2,645 mt during the years 1998 to 2004 to an average of 2,077 mt over the last 3 years.

We remain committed to reducing halibut bycatch and appreciate the Council's concern for the drop in halibut catch limits; however, a close look at the situation shows that the source of any problem is not our fleet. While our bycatch has progressively decreased, the Bering Sea total biomass of halibut estimated using the trawl survey has increased to historic highs in the last few years. Despite this situation, the "exploitable biomass" (i.e., fish over 32 inches in length that the halibut fishermen are willing to retain) has not recovered from recent declines. We share the halibut fishermen's concern with the condition of the harvestable biomass, but do not believe that trawl bycatch is a primary contributor to this problem.

At the IPHC meeting this year we demonstrated our commitment to controlling halibut bycatch by setting a target in Area 4CDE that amounted to approximately 13 percent reduction in our halibut cap. This voluntary effort got the halibut fishermen to the same place as the 33 percent emergency cut proposed by ADF&G and several Council

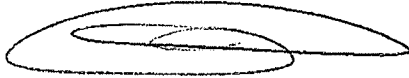


members, but did so without the devastation to employees in our sector and the support industries that depend on it that would have resulted from the propose 33 percent cut. As you consider this action, we ask that you keep in mind the importance of all jobs and the ability and willingness of our sector to work with others to address their problems to the extent that we can. This Council has made itself using collaborative management that draws on the best that its industry has to offer. You should continue on that path now, rather than rashly cutting our sector's halibut limit.

USS is one of a few A80 companies already committed to, and in the process of building a replacement vessel. You are undermining these efforts by creating an emergency for the A80 sector, which is not of the A80 sectors doing. The commitment to build and replace is not done lightly and is the fruit of years of planning. I get the concept if pitching in to help a fellow fisherman's situation or circumstance, but being made the scapegoat goes far beyond that.

We can and will respond, as we have demonstrated many times over the last several years. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end, identifying the sender as Matthew Doherty.

Matthew Doherty

**Subject:** C2 Bering Sea Halibut PSC  
**From:** Marsha Spafard <marsha.spafard@gmail.com>  
**Date:** 5/26/2015 10:00 AM  
**To:** npfmc.comments@noaa.gov  
**CC:** Ephraim\_froelich@murkowski.senate.gov, erik\_elam@sullivan.senate.gov

To Whom it May Concern:

We live in Kodiak, Alaska, a community that depends on all types of commercial fishing. Halibut fishing is a substantial part of our family income, and a staple of my family's diet. Over the years I have fished for halibut commercially, for personal use, and for sport fishing. The Halibut IFQ program has been our bread and butter for many years. Our household income is down 75 percent due to cuts in the quota around Kodiak island. Halibut will be depleted if nothing is done about the wasteful halibut bycatch in the Bering Sea, which is an important nursery area for halibut for the entire State coastal waters. The State of Alaska prides itself on sustainable fisheries management and I am proud of my career working for the Commercial Fisheries Division of the State of Alaska Department of Fish and Game for 24 years. I believe the fish belong to all residents of the State of Alaska and should be managed conservatively for future generations to enjoy.

I support at least 50% Halibut by catch reduction in the Bering Sea. No monetary reason should justify the elimination of the halibut resource. I am an Alaskan resident and have lived and worked in Alaska for over 40 years. My livelihood, career, and diet are dependent on healthy fish and game resources.

Marsha Spafard

3214 Spruce Cape Road

Kodiak, AK 99615

(907)654-4622

May 19, 2015

Mr. Dan Hull, Chairman  
North Pacific Fishery Management Council  
605 W. 4th Ave., Ste 306  
Anchorage, AK 99501-2252

RE: **Comments to Agenda Item C-2 Bering Sea Halibut PSC – Final Action**

Dear Chairman Hull:

The Fishing Vessel Owners' Association ("FVOA") is a trade association representing 95 family-owned longline vessels. The Deep Sea Fishermen's Union of the Pacific ("DSFU") was established in 1912 and is not only the oldest, but also the sole, fishing union in Washington and the United States still working tirelessly to advocate for fair wages, safe working conditions, and supporting our widely-recognized, sustainable, and well-managed fixed-gear fisheries.

This comment differs in both tone and substance from our many, previous comments on regulatory proposals. We have faced, before, the legions of consultants, attorneys, and lobbyists deployed by the big trawler companies to bend the fisheries management system to their will. This time, the assault by trawler interests is so intense, so determined, so unfair, and so irresponsibly unheeding to conservation and fairness, that we have no choice but to shine a bright light on their single-minded commitment to their financial bottom line. We must call it for what it is, a callous disregard to the wasteful impact on the halibut resource and to the cost to the vessel owners, crews, families, support businesses, and communities that depend so much on the directed halibut fisheries.

At the same time, we recognize that other trawler companies, behaving responsibly, have made serious efforts to control bycatch of halibut. They have demonstrated that it is, in fact, practicable to minimize that bycatch and reduce bycatch mortality, putting the lie to the contrary argument launched lawyers for other companies. We commend, and express our gratitude to, responsible trawl companies.

Our vessel owners and crews, and our families, depend first and foremost on effective conservation of the halibut resource and fair distribution of fishing privileges. Never has this been truer, than now, when the halibut resource is in low abundance, and the pressures of the industrial groundfish fisheries to maintain high levels of wasteful halibut bycatch, pose enormous challenges to both conservation and fairness.

**The groundfish trawlers maintain that high levels of halibut bycatch waster is essential to their big businesses. We maintain that abundant halibut represents sound conservation and increased harvests in our directed halibut fisheries is essential to our small businesses. Our directed catches have been reduced, due to low abundance of halibut, but the directed catches of the groundfish trawlers have been unaffected by the need for conservation. What is fair about small businesses**

**bearing the entire conservation burden, so that big businesses can remain unaffected? We believe that, since both sectors need the halibut resource, both sectors should be required to make the necessary sacrifices in an equitable manner.**

Our vessels, which are 54-to-85 feet in length, deliver ice-dressed halibut, sablefish, and rockfish species to shorebased processor plants. We operate from California to the waters north of the Pribilof Islands. All our vessel owners hold halibut quota shares in areas throughout the federal waters off Alaska. There are over 100 Washington quota shareholders of halibut in the central Bering Sea and Aleutian Islands.

Our deliveries of fish to shoreside and our use of local products and services in Alaska contribute significantly to the economies of fisheries-dependent coastal communities. The State of Alaska benefits from the landing taxes we pay. Washington and Oregon, where our vessels are homeported, also benefit from our family-based incomes and our use of local goods and services, as well as from the State and local taxes we pay there. The greater the directed fisheries, the greater the benefits.

**Our halibut fisheries have supported fishing families, and fishery dependent businesses and communities, for over one hundred years. Our organizations have been at the forefront of efforts to ensure that those fisheries and others are sustainable for the benefit of present and future generations. We pioneered Individual Fishing Quotas in the federal waters off the coast of Alaska, a management system that has long served as a model for many other fisheries. Our organizations have spearheaded fundamental improvements to the Magnuson-Stevens Fishery Conservation and Management Act ("MSA"), including major provisions aimed at advancing conservation and safety throughout our nation's fisheries. National Standards 9 and 10 were enacted upon our initiative. We have fought hard for regulations to conserve fisheries, even when the consequences have been lower catches for our own members.**

**We have dedicated years to service to the Marine Fisheries Advisory Committee, to the North Pacific and Pacific Fishery Management Councils and their Advisory Committees, and to the International Pacific Halibut Commission and its supporting organizations. We have maintained small businesses in harmony with organized labor in our fisheries, providing a unique diversity of responsible input to the fisheries management process.**

At virtually every turn, where big trawler interests have perceived any possible impact on their financial bottom line, the FVOA, DSFU, and allied organizations have faced opposition. It is a tribute to policy makers that the nation's fundamental interests in conservation and fairness have prevailed so often.

The lives and livelihoods of FVOA and DSFU members are profoundly affected by decisions of the North Pacific Fishery Management Council ("NPFMC"), the Pacific Fishery Management Council, and NOAA Fisheries. It is evident even to the casual observer that we experience the impact, not only of halibut fisheries management, but also of groundfish trawl bycatch measures. **The grim fact is that we have conserved the halibut in our directed fisheries, greatly reducing the harvests upon which we depend for our livelihoods, so the trawlers can waste massive amounts of halibut as bycatch in the groundfish fisheries. This must end.**

To the minds of many trawlers, it's all about money—their money. A comment submitted by a law firm on behalf of a trawler company speaks volumes. The comment invokes, first and foremost, National Standard 5 of the MSA, in service of the argument that bycatch restrictions contemplated to apply to the client and other trawler companies is exclusively an economic allocation, and must therefore, fail under the law. Of course, the succeeding ten pages of argument demonstrate the hollowness of what is first offered, but we small business people and crew members, as well as fisheries managers, are expected to pay no attention to that. Moreover, if we apply the lawyers' argument to the status quo, we find that it, too, should be considered exclusively an economic allocation, and therefore, also fails under National Standard 5. But we do not accept that the proposed measure and the status quo management are exclusively economic allocations.

The FVOA and DSFU have been good stewards of our nation's fisheries resources. Our voices of conservation and fairness must not to be drowned out by the loud, orchestrated, profit-obsessed din of big fishing industry business and its legion of lawyers, consultants, and lobbyists, who would not hesitate to sink us, once and for all, if the federal management system were to allow it. But, that system, with its foundation established on conservation and fairness, must not.

**A significant reduction of halibut bycatch by groundfish trawlers would help grow the halibut resource by increasing its spawning biomass, contribute to achieving the optimum yield of a healthy fishery, and by so doing, would also contribute significantly to the financial viability of many halibut fishing vessel-owning families, crews, fishery dependent businesses, and coastal communities. Accordingly, we strongly support a 46% halibut bycatch reduction in the groundfish trawl fisheries as both warranted and achievable. A higher level of bycatch would represent a failure of resource stewardship and would fall far short of compliance with fundamental requirements of law.**

While we focus on the MSA, for the purposes of this comment, we do not neglect the Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean ("Convention"), which empowers and obligates the Governments of the United States and Canada to conserve the halibut resource through management measures on both directed halibut fishing and halibut bycatch in other fisheries in the Convention Area.<sup>i</sup> It is important that the rights and duties conveyed to the Parties be kept in mind, as the present bycatch issue is addressed. It should be remembered that the Convention provides an alternative route to ensuring that halibut bycatch is not allowed to remain at unacceptably high levels.

Among the provisions of the MSA addressing bycatch, National Standard 9 is most notable:

Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.

16 U.S.C. 1851(a)(9).

It is a matter of historical record that the FVOA and DSFU took the lead in proposing this provision during reauthorization of the MSA. The initiative was in direct response to grossly excessive bycatch in groundfish trawl fisheries. It was well understood, then, as it is now, that bycatch is fundamentally a conservation issue, and that conservation is the touchstone of the MSA. The same bycatch experience that supported, then, enactment of

this important statutory provision, supports equally, now, the adoption of regulations to minimize the bycatch of halibut in the groundfish trawl fisheries. Our proposed bycatch level is practicable and it is certainly demanded by the condition of the halibut resource and the impact of trawl fishing on the directed halibut fishery.

As observed above, bycatch management also entails issues of fairness. National Standard 4 states:

Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

16 U.S.C. 1851(a)(4).

When groundfish trawlers, in the prosecution of their target fisheries, incidentally catch high levels of non-target species in those fisheries, the directed fisheries for those species can be adversely affected. In the case of halibut, the health of the resource and the financial viability of fishing families and the many others who rely upon directed halibut fishing are at stake.

**The economic power of the big trawl fleets by no means serves as a basis in law for their supplanting through bycatch the directed halibut fishing upon which small businesses, their employees, and families rely. The present groundfish trawl bycatch management situation, which favors those big money interests over small business owners, crews, and families, is egregious. It must be decisively reformed, now.**

National Standard 8 provides:

Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities by utilizing economic and social data that meet the requirements of paragraph (2), in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.

The Council recognizes the applicability of National Standard 8 to the management halibut bycatch management decision. It is a fact that the directed halibut fishery contributes significantly to communities. To suggest that this is purely an economic contribution by way of an exclusively economic allocation ignores the important social aspects of this case. Small coastal communities that are dependent upon fisheries, notably including halibut fisheries, have social issues that are profoundly connected with local economies. When the halibut fisheries are constrained by conservation measures, there are social effects connected with impacts on employment, and among many other things. By the same token, where conservation burdens are shared, so that the directed halibut fishery is allowed to grow, it can be expected that there will be social benefits.

Optimum yield ("OY") is a key element of fisheries management.<sup>ii</sup> The big business trawler interests want the management system, in the interest of simply maximizing their

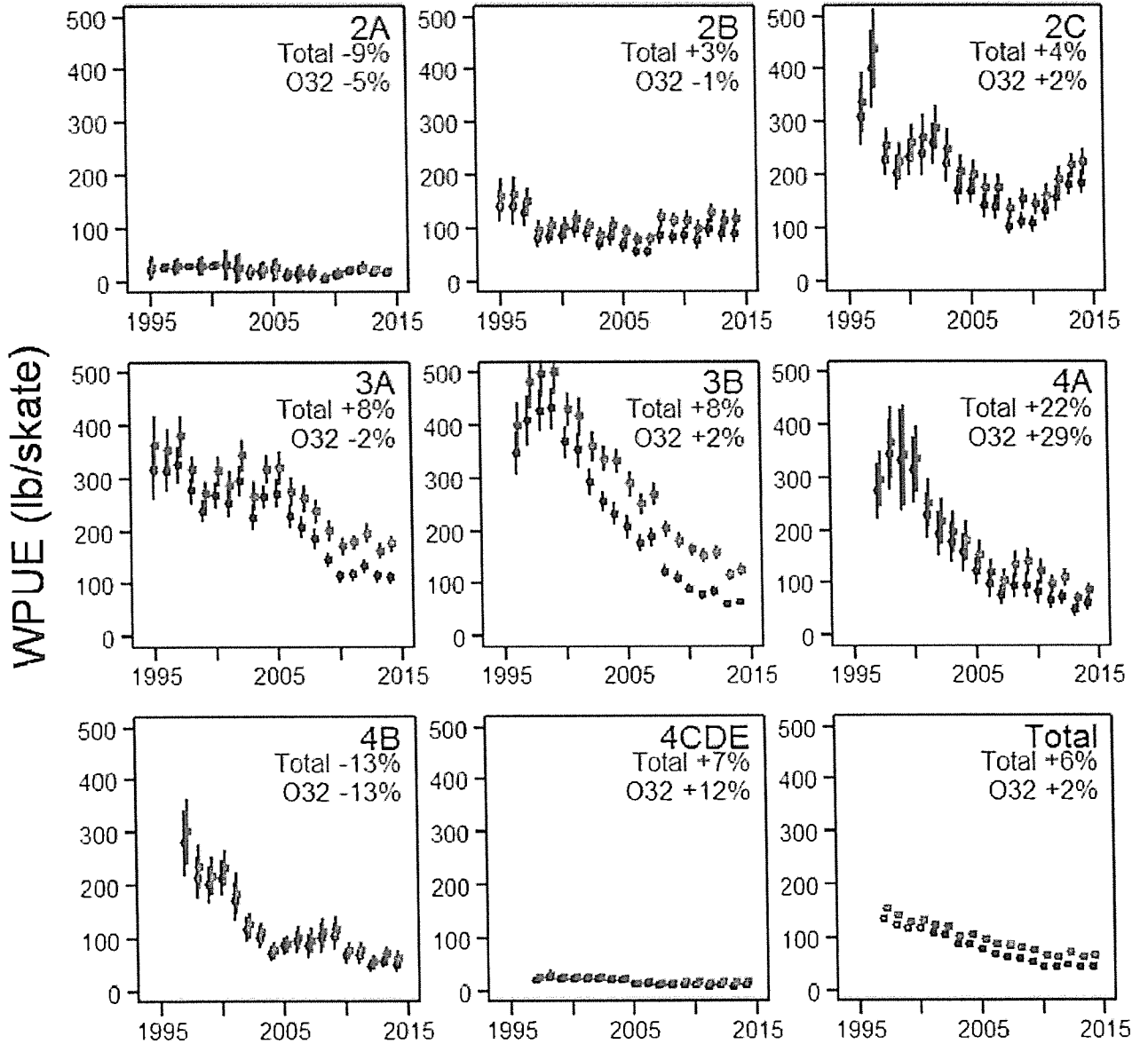
already enormous profits, to allow waste of valuable halibut as bycatch at levels that severely damage the directed halibut fisheries. The notion that halibut bycatch management in the trawl groundfish fisheries must take precedence over management of the directed halibut fisheries is patently absurd and runs counter to fundamental principles of fairness.

The guidelines for implementation of the National Standards make clear that the consideration of OY in the context of bycatch management should take account of impacts on the fisheries that target the species that is being incidentally caught in other directed fisheries.<sup>iii</sup> The impacts are both economic and biological.

There is currently a conflict between extracting yellowfin sole and rock sole in the Bering Sea that have a life history of 10 to 12 years mingling with juvenile Pacific Halibut, that have not yet spawned. Seventy-six percent of the halibut taken in the trawl bycatch fisheries in the Bering Sea are sub-legal sized fish in that category. The intent of Congress in the MSA is to ensure rebuilding fish stocks to OY, even if that action may impact obtaining the OY of other species. With the spawning biomass of halibut currently at half the level it was when the original halibut CAPs were put in place in 1990, this resource is clearly not at its OY. Congress provides guidance and authorization to the Council to rebuild a resource, such as Pacific Halibut, from its current low abundance. The options before the Council give the trawl fleet the ability to achieve their own OY, but with reduced impacts on the halibut resource.<sup>iv</sup>

As noted above, there is also the factor that halibut are managed by agreement between Canada and the United States. The Protocol to the Halibut Convention mandates management to obtain OY. The U.S. Government thus has an international obligation to allow the directed harvest of halibut to achieve OY in the fishery. This obligation is the supreme law of the land. United States law may not be opposed to that obligation. The intent of achieving a halibut OY clearly is not to reduce the directed catch to such a level that halibut harvesters are put out of business due to halibut bycatch in other fisheries. The Council has an obligation to assist in reducing the bycatch of halibut, particularly when that reduction is achievable with efforts such as deck sorting. The Council's problem statement and examination of the alternatives speak to the need to achieve OY for the groundfish. The Council, as a halibut fishery management organization established by United States law, is required to respect the international obligation of the United States to achieve OY in the halibut fishery.

The spawning biomass of halibut has been in decline for the past 12-14 years. The halibut spawning biomass was over 400 million pounds in the 1990's, when the first halibut CAPs were implemented. The spawning biomass reached a peak in 1997, when it was reported at 605 million pounds. The spawning biomass is now at 217 million pounds (NPFMC C-2 Halibut PSC, page 53.) There are still halibut regulatory areas that continue to decline. Only in the last 2014 season does it appear the resource as a whole has stabilized at a low abundance level. The halibut resource has not been stable for a decade and a half. The suggestion that the halibut resource is suddenly in stable condition is misleading, in light of the very low current abundance of halibut and the decade and a half decline in its abundance. (See survey charts.) The annual survey results since 2000 show a resource in a 15-year decline. The current state of the halibut resource is definitely not at OY.



**Figure 5. Recent setline survey WPUE (lbs/skate) for all (blue, upper series) and legal-sized fish (black, lower series) by regulatory area and year through 2014. Percentages for each area indicate the change from 2013 to 2014. Total WPUE values have been offset slightly on the x-axis to make the points easier to distinguish.**



The following numbers reflect the actual bycatch mortality of halibut within the category sector of "Trawl Limited Access" for 2012, 2013 and 2014. This sector has been allocated 870 Mt of halibut bycatch mortality on an annual basis. The numbers are from NMFS, Juneau.

	2012	2013	2014
Pacific Cod	429	308	289
Yellow-fin Sole	160	190	210
Pollock/Atka Mackerel/Other Species	370	208	148
Total	959	706	647

Note that in 2012 the 870 Mt was exceeded for the three industry categories that are combined in one sector.

The regulations are not structured in a way that the Regional Administrator can close a fishery category that doesn't reach its halibut PSC limit. Also, there isn't a regulation that directs the Regional Administrator to close all BSAI trawl limited access sector fisheries (except pelagic trawl gear for Pollock) when the 870 MT has been reached.

The members of the FVOA do recognize the efforts of the United Catcher Boats Co-op's use of halibut excluders in their Pacific cod fishery. Their halibut mortality has been declining since they mandated the use of halibut excluders which are reflected in the above numbers. The UCB co-op should be given some lesser reduction in their Halibut CAP due to their proactive actions.

The Amendment 80 fleets, however, show an increasing trend in halibut bycatch mortality.

	2011	2012	2013	2014
Amendment 80 Cps	1810 Mt	1945 Mt	2168 Mt	2106 Mt

There are some that contend the Amendment 80 fleet has reduced their halibut mortality. However, the data from Northern Economic, provided to the Council and NMFS, shows an increase in halibut mortality by this sector since 2011.

The Amendment 80 sector, based on its take of juvenile halibut, has been averaging 2150 Mt of bycatch a year. This is equal to 4,738,000 pounds. If the Amendment 80 fleet were not present, the additional economic activity generated by the Bering Sea halibut fleet would be significant. Assuming a 1-to-1 loss for adult equivalents and a grounds price of \$5.50/lb., the annual value of this loss due to the Amendment 80 fleet is equivalent to \$24,700,000 at the directed halibut fishery level.

The State of Rhode Island produced an economic study to determine the economic multiplier effect from Rhode Island vessels that deliver to Rhode Island processors. They studied fin fishermen, lobstermen, shell fishermen, processors and handlers, and packers, and non- "Rhode Island vessels." Their conclusion was that for Rhode Island's homeport, vessels delivering back to Rhode Island, the overall multiplier was 424. "This means that for every \$100 of fish landed in the state, \$424 worth of economic activity is stimulated." "Non-Rhode Island vessels produce a multiplier of 109."

If this study is applied nationally for the U.S. halibut fleet, which would benefit greatly in the absence of an Amendment 80 fleet, the lost economic impact to the nation as a whole is  $\$424 \times 24,700,000 \times .85$ . (85% of the Pacific halibut are consumed, processed, and transported within the USA.) The lost economic opportunity to the United States with the Amendment 80 fleet superimposed on the Bering Sea directed halibut fishery is \$89,018,000 annually. How many industries get to eliminate that kind of economic benefit, without some level of mitigation? It is important to recognize, as well, that the Amendment 80 fleet cannot claim a full multiplier, because most of its product is shipped to Asia for reprocessing and consumption.<sup>v</sup>

Reducing the halibut CAP in the Bering Sea, such that it incentivizes the use of deck sorting and/ or the use of halibut excluder nets, could recapture at least 24% of this value back to the United States. The Experimental Fishing Permit (EFP) studies by the Amendment 80 fleet have indicated a halibut mortality reduction of 24% from existing mortality levels. The fleet should not be allowed to run away from its own science. The Council needs to recognize there is a significant reduction possible for halibut bycatch mortality with the use of deck sorting.

We are told by lawyers for at least one trawler company that the reductions contemplated for halibut bycatch in the groundfish fisheries are impracticable, and therefore, run afoul of the terms of National Standard 9 itself. Of course, this is pure nonsense. A casual reference to the dictionary for the plain meaning of the term, practicable, yields the definition, capable of being put into practice, or feasible. The reductions being proposed can, indeed, be put into practice. They are feasible. That has already been proven by practices undertaken successfully by some groundfish trawl vessels. The technology is there, the hardware is there, the knowhow is there, and the costs of equipment, training, and operation are affordable.

### **Corrections to the Record**

Page 21 – The Council document EA states, under Alternative 1, the following: “Since subsistence and recreational removals are not restricted by catch limits, it is assumed that these sectors are not affected by the status quo or options that reduce PSC limits.”

The recreational and subsistence fisheries in the Gulf of Alaska are very much affected by any reduction or lack of reduction in halibut bycatch in the Bering Sea districts. The above statement seems to be refuted on page 23 of the analysis: “Reductions in the halibut PSC mortality of U26 fish will also contribute to increased halibut yields for the directed halibut fishery, but will be distributed across all regulatory areas as the fish contribute to the exploitable biomass...The remainder of the U26 halibut savings would accrue to directed halibut users in other IPHC areas in proportion to their share of the coast-wide biomass.”

Subsistence and recreational fisheries are directed halibut uses. The analysis on pages 56 and 57 discuss the migration of halibut out of the Bering Sea to regulatory areas to the south and east. The additional fish migrating into Areas 3A and 2C greatly contribute to potentially higher recreational harvests and bag limits. When those halibut are intercepted as juveniles in the Bering Sea, they obviously do not become available elsewhere.

## Conclusion

The FVOA and DSFU strongly urge the Council to adopt the 46% reduction. Conservation, fairness, and the interests of affected, fishery-dependent coastal communities, among other important factors, support this result.

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<sup>i</sup> Article I, paragraph 2, of the Convention, as amended by the 1979 Protocol, provides:

Nationals and fishing vessels of, and fishing vessels licensed by, Canada or the United States may fish for halibut in Convention waters only in accordance with this Convention, including its Annex, and as provided by the International Pacific Halibut Commission in regulations promulgated pursuant to Article III of the Convention and designed to develop the stocks of halibut in the Convention waters to those levels which will permit the optimum yield from the fishery and to maintain the stocks at those levels. However, it is understood that nothing contained in this Convention shall prohibit either Party from establishing additional regulations, applicable to its own nationals and fishing vessels, and to fishing vessels licensed by that Party, governing the taking of halibut which are more restrictive than those adopted by the International Pacific Halibut Commission. [Emphasis added.]

Article III, paragraph 3, as amended by the 1979 Protocol, provides in pertinent part:

For the purpose of developing the stocks of halibut of the Northern Pacific Ocean and Bering Sea to levels which will permit the optimum yield from that fishery, and of maintaining the stocks at those levels, the Commission, with the approval of the Parties and consistent with the Annex to this Convention, may, after investigation has indicated such action to be necessary, with respect to the nationals and fishing vessels of, and fishing vessels licensed by, Canada or the United States, and with respect to halibut:

(a) divide the Convention waters into areas; (b) establish one or more open or closed seasons as to each area; (c) limit the size of the fish and the quantity of the catch to be taken from each area within any season during which fishing is allowed; (d) during both open and closed seasons, permit, limit, regulate or prohibit the incidental catch of halibut that may be taken, retained, possessed, or landed from each area or portion of an area, by vessels fishing for other species of fish; (e) fix the size and character of halibut fishing appliances to be used in any area; (f) make such regulations for the licensing of vessels and for the collection of statistics on the catch of halibut as it shall find necessary to determine the condition and trend of the halibut fishery and to carry out the other provisions of this Convention; (g) close to all taking of halibut any area or portion of an area that the Commission finds to be populated by small, immature halibut and designates as nursery grounds. [Emphasis added.]

<sup>ii</sup> The MSA provides in National Standard 1:

Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.

16 U.S.C. 1851(a)(4).

The MSA defines optimum yield as follows:

The term "optimum", with respect to the yield from a fishery, means the amount of fish which— (A) will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and taking into account the protection of marine ecosystems; (B) is prescribed as such on the basis of the maximum sustainable yield from the fishery, as reduced by any relevant economic, social, or ecological factor; and (C) in the case of an overfished fishery, provides for rebuilding to a level consistent with producing the maximum sustainable yield in such fishery.

16 U.S.C. 1802 (33).

In the guidelines, it is provided:

(b) **General.** This national standard [9] requires Councils to consider the bycatch effects of existing and planned conservation and management measures. Bycatch can, in two ways, impede efforts to protect marine ecosystems and achieve sustainable fisheries and the full benefits they can provide to the Nation. First, bycatch can increase substantially the uncertainty concerning total fishing-related mortality, which makes it more difficult to assess the status of stocks, to

---

set the appropriate OY and define overfishing levels, and to ensure that OYs are attained and overfishing levels are not exceeded. Second, bycatch may also preclude other more productive uses of fishery resources. [Emphasis added.]

\* \* \*

(d) *Minimizing bycatch and bycatch mortality.* The priority under this standard is first to avoid catching bycatch species where practicable. Fish that are bycatch and cannot be avoided must, to the extent practicable, be returned to the sea alive. Any proposed conservation and management measure that does not give priority to avoiding the capture of bycatch species must be supported by appropriate analyses. In their evaluation, the Councils must consider the net benefits to the Nation, which include, but are not limited to: Negative impacts on affected stocks; incomes accruing to participants in directed fisheries in both the short and long term; incomes accruing to participants in fisheries that target the bycatch species; environmental consequences; non-market values of bycatch species, which include non-consumptive uses of bycatch species and existence values, as well as recreational values; and impacts on other marine organisms. [Emphasis added.]


<sup>iv</sup> The legislative history of the MSA, as originally enacted, reflects the fact that Congress was well aware of the nature of the challenges confronting fisheries managers. Although the MSA has undergone substantial change over the ensuing years, those challenges remain the same.

Thus while biologists in the past have tended to regard any unused surplus of a fishery as waste, the resource management may well determine that a surplus harvest below MSY [maximum sustainable yield] will ultimately enhance not only the specific stock under management, but also the entire biomass. Conversely, the fisheries manager may determine that the surplus harvest of the entire biomass must be reduced substantially below MSY, in order to restore a valuable depleted stock which is taken incidentally to the harvesting of other species in this biomass. An example of such a situation has occurred in the Northwest Atlantic where mindless overfishing for haddock has virtually wiped out the species. A zero quota for haddock will not permit that species to restore itself since other fisheries in the Northwest Atlantic cannot be conducted without taking haddock. Accordingly, the harvest of these other species must be reduced below their MSY to reduce the incidental catch of haddock."

Legislative history of the Fishery Conservation and Management Act of 1976, page 1099.


<sup>v</sup> Rhode Island conducted this study in anticipation of extended jurisdiction. They wanted to know the economic importance of their fishermen delivering to their state. The study did not include retail level multipliers or the overall multipliers would have been greater.

Sincerely,



Jan Standaert  
Vice President  
Deep Sea Fishermen's Union

Sincerely,



Per Odgaard  
President  
Fishing Vessel Owners' Association

**Subject:** Halibut bycatch  
**From:** Adam Hackett <ach.hackett@gmail.com>  
**Date:** 5/26/2015 10:26 AM  
**To:** "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

Council,

Alaskas Halibut resource is a staple to the life of Alaskans. The resource and identity associated with subsistence harvesting is essential to maintaining Alaskans Culture. Every step Alaskans are furthered from resource and tradition is a step away from health of culture, communities, individuals etc. Please help guarantee the future for the Alaskan lifestyle by reducing Bering Sea Trawl by catch of halibut by 50%

Adam Hackett  
Subsistence, sport, commercial halibut user.  
Sitka, AK

Sent from my iPhone

Donald Lane  
F/V Predator  
IPHC Commissioner  
POB 2921  
Homer, AK 99603

North Pacific Fishery Management Council  
Dan Hull, Chairman  
605 West 4th, Suite 306  
Anchorage, Alaska 99501-2252  
Phone: (907) 271-2809  
Fax: (907) 271-2817  
[npfmc.comments@noaa.gov](mailto:npfmc.comments@noaa.gov)

5/26/2015

RE: C2 Bering Sea Halibut PSC

Sirs.

Directed halibut fisheries landings have been cut by 63% in the Bering Sea since 2005, but halibut bycatch caps remain at nearly the same level set during peak abundance decades ago. This inequitable standard of conservation has created a stark disparity between directed halibut fishermen, community subsistence halibut fishermen and fisheries that harvest halibut as bycatch in the Bering Sea. In 2014, BSAI groundfish fisheries killed and discarded seven times more halibut (number of fish, not pounds) than the directed fishery landed in the same region!

The BSAI halibut fishery is in the midst of a conservation and economic crisis. A collapse of the directed halibut fishery is a REAL possibility should substantial and meaningful reductions in halibut PSC limits not be achieved with NPFMC final action.

Halibut bycatch creates ecosystem-wide impacts across the North Pacific. IPHC has conducted tagging studies from trawl vessels in Bering Sea beginning in 1963. (re: IPHC rara2014\_30trawltagging.pfd). The tagged fish were U26 with recovered tags consistently showing a halibut migration from west to east. Clearly, the recovered tags in RARA2014\_30trawltagging.pfd report show a migration benefit to all Alaska communities, Canada, and the west coast of the United States. The halibut bycatch in 2014 came in at roughly one million fish, with an average weight of just under 5 pounds. Tagging studies show that from these large groups of juvenile halibut feeding in the Bering Sea, 70-90% of them are slated to migrate to other areas. The removal of large numbers of these juvenile animals from the Bering Sea ecosystem seems a critical stock concern. There will be unknown impacts on the future health of this resources and should increase the worry about sustainable conservation from all users and managers of our resources.

Since my appointment as a IPHC Commissioner in 2014 I have had the honor of meeting many halibut users. One question consistently addressed to me is why are we allowing so

many halibut to be killed as bycatch in the Bering Sea. The tribes of Washington and sportfishermen of California advocate strongly and consistently for a few more fish. These users of halibut thoroughly argue the benefits to their communities in the form of jobs, culture and economies. As a Commissioner I am trying to find justification for another 10 to 50 thousand lbs to a user group. I am then asked why is a user group allowed to waste millions of pounds, a small portion of which would mean so much to their communities. It is a question often asked by the Canadian delegations to IPHC meetings, as well as halibut user groups coastwide. Clearly the Bering Sea halibut PSC limits are important and noticed by all halibut user groups.

We must do a better job of utilizing this resource. I believe the American fisherman is the most innovative and creative group of people in the world. The typical fisherman has the excellent skillset and knowledge to be a major problem solver, in addition most have the financial resources and competitive nature to fund research and development of equipment, fishing techniques, and management programs. What I have learned in my 35 years of commercial fishing is we (commercial fishermen) need to be motivated to find real solutions. Without management motivation I have watched fisheries go away. Gone are king crab, tanner crab, Dungeness crab and pink shrimp in Cook Inlet Alaska. Victims of too little to late. The solutions are out there, but why change business as usual if you do not have to. I urge the NPFMC to adopt 50% halibut PSC limits. This action will provide the motivation that will find new and innovative solutions to halibut bycatch and effective bycatch reductions, in addition to effective fishing techniques resulting in better profit. I look forward to talking with you in Sitka.

Sincerely

Donald Lane

**Subject:** C2 Bering Sea Halibut PSC  
**From:** Rachel Van Luyk <luykvan@gmail.com>  
**Date:** 5/26/2015 10:43 AM  
**To:** npfmc.comments@noaa.gov

Rachel Van Luyk

Connection: Many connections for fisherman. Just trying to support my friends and bring awareness to these issues so the fishing industry can continue to exist

5/26/15



**Subject:** C2 Bering Sea Halibut PSC  
**From:** Chignik City Clerk <chignikcityclerk@gmail.com>  
**Date:** 5/26/2015 10:52 AM  
**To:** npfmc.comments@noaa.gov  
**CC:** Ephraim\_froelich@murkowski.senate.gov, erik\_elam@sullivan.senate.gov,  
bonnie\_bruce@mail.house.gov

To: North Pacific Fishery Management Council

From: City Council, City of Chignik

Date: May 26, 2015

Re: Reduction in Halibut Bycatch Caps

The City of Chignik supports a significant reduction in the halibut bycatch caps that have been in place for more than twenty years. A reduction by at least 50% is necessary to restore balance in halibut ecosystem and to bring the conservation efforts between the halibut fishermen and fisheries that harvest halibut as bycatch to a more equitable level. During the last decade or so, halibut fisheries have been cut by more than 60% in some areas while the halibut bycatch caps have remained largely unchanged since the peak abundance years ago. This imbalance is inexcusable, especially when those affected are family fishermen who rely on halibut for income and subsistence. It's time to re-evaluate the bycatch rules before this important resource disappears from Alaska waters completely. Please take action and reduce the halibut bycatch caps by at least 50%!

--

Becky Boettcher  
City Clerk/Treasurer  
City of Chignik  
P O Box 110  
Chignik, AK 99564  
907-749-2280  
[www.cityofchignik.org](http://www.cityofchignik.org)

**Subject:** C2 Bering Sea Halibut PSC  
**From:** Trav <luckygt21@gmail.com>  
**Date:** 5/26/2015 10:55 AM  
**To:** npfmc.comments@noaa.gov  
**CC:** Ephraim\_froelich@murkowski.senate.gov, erik\_elam@sullivan.senate.gov, bonnie.bruce@mail.house.gov

North Pacific Fishery Management Council

Attention: Dan Hull, Chairman

RE: C2 – Bering Sea Halibut PSC Final action

My name is Travis Rath, I live in Anchorage Alaska and I fish (recreation) in Alaska for halibut.

I as a recreational fisherman and I am very concerned about the high level of by catch of Halibut in the Bering Sea as described in your Final action item C2 - Bering Sea Halibut PSC.

We know that the Bering Sea has a huge population of juvenile halibut and that those halibut migrate from the Bering Sea to other areas throughout the range of the Pacific halibut. Right now the trawl by catch is preventing millions of halibut from leaving the Bering Sea and repopulating other areas.

This practice must be curtailed immediately or rural communities will suffer and the future of halibut fishing all over the Pacific will continue to be threatened. These are unacceptable risks to most of the users of this iconic resource to the benefit of a small number of trawl vessel owners and crews. It is one thing to ask all users to conserve a resource, but it is quite another all together to ask most users to sacrifice and conserve the resource to benefit of a specific group of large factory trawlers. That is what is happening and it is not fair or equitable. By Catch not only needs to be reduced and then linked to abundance, so all users can share in the sacrifice and in the benefits of a healthy resource.

Please show Alaskans you care about the communities and the resource and take significant action to reduce Bering Sea By Catch of halibut to a level that provides opportunity for the rest of us and protects millions juvenile halibut from being caught and discarded.

Sincerely,

Travis Rath

**Subject:** by catch

**From:** "Kerry R. Knoll" <KRKnoll@gvea.com>

**Date:** 5/21/2015 8:34 PM

**To:** "'npfmc.comments@noaa.gov'" <npfmc.comments@noaa.gov>

And just how much money is spent by lobbyists to keep there trawler fleet fishing if that's what u call it? I am very disappointed in our system, only money counts any more, local fishermen and personal use people are put to the side seems like every time. Thank you big government you are really making a difference.

RECEIVED  
MAY 22 2015

## SENATOR GARY STEVENS



SESSION ADDRESS  
Alaska State Capitol  
Juneau, AK 99801-1182  
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### *Alaska State Legislature*

Dan Hull, Chairman  
North Pacific Fishery Management Council  
605 West 4th, Suite 306  
Anchorage, Alaska 99501-2252

May 19, 2015

Dear Chairman Hull,

It is my understanding the North Pacific Fishery Management Council will be considering halibut bycatch limits in the Bering Sea/Aleutian Islands (BSAI) at its June meeting. As the Alaska State Senator for Cordova, Homer, Kodiak, and several other coastal communities whose economic health and citizens rely heavily upon well-managed fisheries, I urge the Council to take action as expediently as possible to lower halibut bycatch limits in the BSAI to a more equitable level.

Over the past decade, more than 62 million pounds of halibut has been caught, killed, and discarded as bycatch in the Bering Sea/Aleutian Islands. Concurrently, landings of halibut as the target species have declined from 52 percent of the total removals to merely 34 percent of removals.

Last year, the BSAI trawl fisheries resulted in seven times more individual halibut being killed and discarded than were landed in the same region's directed fishery. This bycatch primarily included juveniles, weighing less than five pounds on average, who were well-below the level of maturity necessary ever to have reproduced. In tagging studies conducted by the International Pacific Halibut Commission, 70 to 90 percent of halibut tagged in the Bering Sea were recovered in the Gulf of Alaska. These statistics clearly show that waste allowed in the BSAI is adversely affecting halibut users far beyond the Bering Sea.

The impacts of bycatch on Alaskans are substantial. Conservation measures implemented over the past 15 years to address declining halibut stocks have fallen disproportionately on the backs of halibut fishers throughout the state. While the bycatch limit for the BSAI trawl fleet has changed

little in decades, catch limits for Individual Fishing Quota owners have been cut by 70 percent, and charter fleet harvests have been reduced by 50 percent in some waters.

It is incumbent upon the Council to carefully weigh its effects on Alaska's communities and fishermen. I encourage the council to give serious attention to the reduction in bycatch limits in the BSAI to ensure that the directed halibut fisheries across our state's waters remain viable now and in the coming years.

Thank you for your consideration of this letter. I welcome any questions or comments you may have.

Sincerely,

A handwritten signature in blue ink, appearing to be 'G. Stevens', with a long horizontal flourish extending to the right.

Senator Gary Stevens

Donald Lane  
F/V Predator  
IPHC Commissioner  
POB 2921  
Homer, AK 99603

North Pacific Fishery Management Council  
Dan Hull, Chairman  
605 West 4th, Suite 306  
Anchorage, Alaska 99501-2252  
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5/26/2015

RE: C2 Bering Sea Halibut PSC

Sirs.

Directed halibut fisheries landings have been cut by 63% in the Bering Sea since 2005, but halibut bycatch caps remain at nearly the same level set during peak abundance decades ago. This inequitable standard of conservation has created a stark disparity between directed halibut fishermen, community subsistence halibut fishermen and fisheries that harvest halibut as bycatch in the Bering Sea. In 2014, BSAI groundfish fisheries killed and discarded seven times more halibut (number of fish, not pounds) than the directed fishery landed in the same region!

The BSAI halibut fishery is in the midst of a conservation and economic crisis. A collapse of the directed halibut fishery is a REAL possibility should substantial and meaningful reductions in halibut PSC limits not be achieved with NPFMC final action.

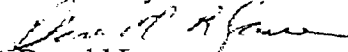
Halibut bycatch creates ecosystem-wide impacts across the North Pacific. IPHC has conducted tagging studies from trawl vessels in Bering Sea beginning in 1963. (re: IPHC rara2014\_30trawltagging.pfd). The tagged fish were U26 with recovered tags consistently showing a halibut migration from west to east. Clearly, the recovered tags in RARA2014\_30trawltagging.pfd report show a migration benefit to all Alaska communities, Canada, and the west coast of the United States. The halibut bycatch in 2014 came in at roughly one million fish, with an average weight of just under 5 pounds. Tagging studies show that from these large groups of juvenile halibut feeding in the Bering Sea, 70-90% of them are slated to migrate to other areas. The removal of large numbers of these juvenile animals from the Bering Sea ecosystem seems a critical stock concern. There will be unknown impacts on the future health of this resources and should increase the worry about sustainable conservation from all users and managers of our resources.

Since my appointment as a IPHC Commissioner in 2014 I have had the honor of meeting

many halibut users. One question consistently addressed to me is why are we allowing so many halibut to be killed as bycatch in the Bering Sea. The tribes of Washington and sportfishermen of California advocate strongly and consistently for a few more fish. These users of halibut thoroughly argue the benefits to their communities in the form of jobs, culture and economies. As a Commissioner I am trying to find justification for another 10 to 50 thousand lbs to a user group. I am then asked why is a user group allowed to waste millions of pounds, a small portion of which would mean so much to their communities. It is a question often asked by the Canadian delegations to IPHC meetings, as well as halibut user groups coastwide. Clearly the Bering Sea halibut PSC limits are important and noticed by all halibut user groups.

We must do a better job of utilizing this resource. I believe the American fisherman is the most innovative and creative group of people in the world. The typical fisherman has the excellent skillset and knowledge to be a major problem solver, in addition most have the financial resources and competitive nature to fund research and development of equipment, fishing techniques, and management programs . What I have learned in my 35 years of commercial fishing is we (commercial fishermen) need to be motivated to find real solutions. Without management motivation I have watched fisheries go away. Gone are king crab, tanner crab, Dungeness crab and pink shrimp in Cook Inlet Alaska. Victims of to little to late. The solutions are out there, but why change business as usual if you do not have to. I urge the NPFMC to adopt 50% halibut PSC limits . This action will provide the motivation that will find new and innovative solutions to halibut bycatch and effective bycatch reductions, in addition to effective fishing techniques resulting in better profit. I look forward to talking with you in Sitka.

Sincerely

  
Donald Lane

**BILL D. BURK  
2041 OLYMPIC DRIVE  
ANCHORAGE, AK 99515**

May 26, 2015

North Pacific Management Council  
605 W. 4<sup>th</sup> Ave., Suite 306  
Anchorage, AK 99501

RE: C-2 BSAI halibut

I am a commercial fisherman and I make my living expenses from my Halibut and Sablefish Quota's. I am 80 years old and could not survive without the income from my fishing quota's.

In the past 6 years my quota's have been reduced 79,314 pounds or 63% by the Halibut Commission.

- 2010 my halibut quota was 116,717 pounds
- 2011 " unknown
- 2012 " 59,909 pounds
- 2013 " 56,538 pounds
- 2014 " 37,534 pounds
- 2015 " 37,403 pounds

I can accept the 63% decrease to sustain the abundance of halibut.

The BSAI trawl fisheries bycatch is mostly immature halibut that is killed in the millions of pounds in bycatch.

Why can't the BSAI trawl bycatch be reduced by 50%? My quota's have reduced by 63%. During the years my quota's were being cut the BSAI trawl bycatch was cut 0%.

Now the trawl fisheries are back at the table asking to have the individual fishermen like myself be cut again, and not have the trawl fisheries cut at all.

Reduce the BSAI trawl fisheries bycatch by 50% so we all can conserve the amount of halibut in the Alaska waters.

Thank you,

Bill D. Burk