



January 28, 2014

Eric Olson, Chair
North Pacific Fishery Management Council
605 W. Fourth Ave.
Anchorage, AK 99501

Re: Agenda Item C-7, BSAI Halibut PSC

Dear Chairman Olson and Council members:

The Alaska Marine Conservation Council (AMCC) is 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. We appreciate the opportunity to comment on the important issue of Bering Sea/Aleutian Islands (BSAI) halibut Prohibited Species Catch (PSC), and will supplement these comments with additional comments at your upcoming meeting in Seattle.

Halibut bycatch is an issue of great concern, and we are pleased to see the North Pacific Fishery Management Council (the Council) taking an initial look at halibut bycatch. As halibut populations have struggled in recent years, with corresponding declines in directed fishery limits, halibut bycatch in the BSAI has become an increasing concern. With directed halibut fishery catch limits on the decline throughout most of Alaska, and halibut bycatch now well exceeding the directed fishery catch limits in Bering Sea management areas, it's time for the Council to reexamine the halibut PSC management measures currently in place in the BSAI.

To that end, we urge the Council to begin the process of amending the current halibut PSC management measures in the BSAI. In response to the items framed in the discussion paper we urge the Council to undertake the following actions, discussed in greater detail below:

- 1. Set binding halibut PSC limits for all BSAI trawl fisheries;**
- 2. Initiate an analysis examining reductions in the current halibut PSC limits, including abundance-based limits;**
- 3. Include information on halibut stock status, directed fisheries and impacts to the halibut stock and directed fisheries from bycatch in the discussion paper;**
- 4. Maintain the prohibition on retention of halibut caught by trawl gear.**

As this Council is fully aware, halibut catch limits have been in a state of decline coastwide, in response to declines in the halibut population. Catch limits in 2C, 3A and 3B declined by almost 50

percent from 2002 to 2011.¹ Catch limits for the charter fishery in Area 2C have been reduced by over 50% (from two fish of any size to one fish of any size and then one fish less than 37 inches). Coastwide, total removals of halibut are at their lowest level since 1984.² In 2014, catch limits were reduced even further, making this the tenth consecutive year of cuts in the directed fishery harvests. Catch limits in areas 4C, D and E in the Bering Sea and Pribilof Islands were reduced by 34% in 2014 from last year's limit. **In this climate, reducing halibut bycatch is critical for the conservation of the stock and the equity of all users. We urge the Council to initiate the process for reducing halibut bycatch which includes the following recommendations.**

1. Set binding halibut PSC limits for all BSAI trawl fisheries;

Setting binding PSC limits is a critical first step for ensuring individual accountability and mandating bycatch reduction. While most of the fisheries which catch halibut as bycatch in the BSAI already have binding halibut PSC limits which result in fishery closures when the limit is reached, the discussion paper points out that the non- Amendment 80 trawl limited access fishery for pollock, Atka mackerel and other species is not binding: "In effect, the PSC limit for pollock, Atka mackerel or "Other Species" is non-binding and its attainment does not cause NMFS to issue any closures to directed fishing.³ Making this PSC limit binding is a critical first step in controlling and reducing halibut PSC in the Bering Sea.

2. Initiate an analysis examining reductions in the current halibut PSC limits, including abundance-based limits;

Halibut bycatch limits have remained fixed (with the exception of the reduction in A. 80 halibut PSC limits) in recent years while halibut stocks and directed fishery catch limits have plummeted. It is critical as a matter of conservation and equity that the Council initiates an analysis examining reductions from the current halibut PSC limits. This analysis should include a range of reductions, and include an examination of abundance-based limits. Abundance-based limits could provide a means to ensure that halibut bycatch limits are adjusted as the halibut population changes, and should be further examined in an analysis.

¹ National Marine Fisheries Service, Fisheries of the Exclusive Economic Zone off Alaska; Groundfish of the Gulf of Alaska; Amendment 95 to the Fishery Management Plan for Groundfish 78 Fed. Reg. 57106 at 57111 (Sept. 17, 2013).

² North Pacific Fishery Management Council, Public Review Draft Environmental Assessment/Regulatory Impact Review/Initial Regulatory Assessment to Revise Halibut Prohibited Species Catch Limits, Appendix 5 at 19 (May 11, 2012) [hereinafter EA/RIR/IRFA].

³ Northern Economics, Inc, A Quantitative Examination of Halibut Mortality in BSAI Groundfish Fisheries, Prepared for North Pacific Fishery Management Council at 8 (January 2014).

3. Include information on halibut stock status, directed fisheries and impacts to the halibut stock and directed fisheries from bycatch in the discussion paper;

This discussion paper is almost entirely focused on the groundfish fisheries, and economic impacts of halibut PSC for the groundfish fishery. Future discussion papers or analyses must include a comprehensive examination of halibut stocks and directed halibut fisheries – including commercial, sport and subsistence fisheries. This analysis should include information from the IPHC about current population trends, halibut migration patterns and impacts to the halibut stock from halibut bycatch. Future analyses must also include a thorough examination of catch limits in the directed fisheries, impacts on subsistence fisheries and economic impacts to the halibut fisheries both from declining catch limits and bycatch at the current levels.

4. Maintain the prohibition on retention of halibut caught by trawl gear.

The discussion paper includes in whole a proposal from the IPHC’s Halibut Bycatch Working group draft report to eliminate the requirement that halibut caught with trawl gear are discarded and, quite the opposite, to require 100% retention. The IPHC received extensive comments regarding this proposal, with almost unanimous opposition to the proposal to allow for or require retention of trawl-caught halibut. **We urge the Council to examine the extensive comments received by the IPHC on this topic, and reject this idea now.**

We appreciate this innovative attempt to reduce waste in the fishery, but this idea suffers from a number of fatal flaws. The discussion paper, citing the IPHC draft report, states that “Removing the discard requirement and, instead, requiring 100% retention of all sizes of halibut could lead to the complete elimination of trawl fishery bycatch.”⁴ **Changing the label of these halibut does not lead to the elimination of trawl fishery bycatch, it just changes what we call it.** If the trawl fishery is allowed to sell their halibut – the value of which far exceeds their target fisheries in some cases – there will be absolutely no incentive to reduce bycatch. PSC limits are currently designed explicitly as an upper limit on bycatch, setting a maximum on the amount of bycatch which can be tolerated. If the trawl fishery is allowed to retain bycatch this will no longer be an upper limit, but an allocation, and we can be assured that it will be reached every year. This in fact would not reduce mortality, but in some cases may even increase it. This proposal seems antithetical to the goal of reducing bycatch. PSC must be discarded for halibut, as well as Chinook salmon and crab because these are high value species and allowing retention would create an incentive to catch more—not less—of these high value, already fully allocated species.

If trawl fisheries are allowed to retain halibut for sale, this is also likely to have additional impacts on the resource. While halibut caught as bycatch in the trawl fisheries currently is predominately small halibut, if sale is allowed it is possible that the trawl fishery will try to catch larger fish, increasing mortality.

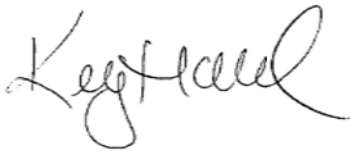
⁴ Northern Economics Inc., *supra* note 3 at 78.

Finally, allowing the retention and sale of halibut caught as bycatch ignores the broader ecological impacts of trawl gear. Aside from quality differences, halibut caught with trawl gear brings with it the negative impacts of bottom trawl gear. Impacts on habitat as well as forage fish and the broader ecosystem will exacerbate the already dire condition of the halibut stocks.

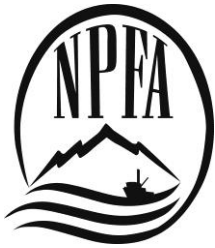
Overall, allowing retention and sale of halibut caught as bycatch creates many more problems than it solves. It eliminates the incentive to reduce bycatch, increases mortality to the halibut stock, has profound ecological impacts and likely will have market impacts as well. Given the critical state of the halibut resource, the Council must remain focused on the end goal of reducing halibut bycatch. Considerations of retention of halibut bycatch should not even be entertained until meaningful bycatch reduction is achieved.

In conclusion, we thank the Council for your attention to this important matter and urge you to move forward swiftly with an analysis which begins the process of reducing halibut PSC in the BSAI. Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kelly Harrell".

Kelly Harrell
Executive Director



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

January 28, 2014

To: North Pacific Fisheries Management Council
Chairman Eric Olson
Re: Agenda Item C7 BSAI Halibut PSC

Dear Chairman Olson,

The North Pacific Fisheries Association is a mixed gear, multiple fishery organization based in Homer, Alaska. Our group is deeply concerned with the amount of Halibut removed from the BSAI as bycatch. The directed halibut fishery in IPHC Areas 4CDE is only a fraction of the total removals. According to the IPHC, in 2013 the bycatch mortality for area 4CDE is was 2.23 million net pounds. The directed fishery in 2014 is set for 1.28 million net pounds, only 36% of these combined removals. It should also be noted that these numbers only reflect the over 26 inch halibut removals.

Having the Halibut PSC levels float with halibut abundance seems crucial. As the halibut stocks decline all users need to share in the conservation. The groundfish fleet has demonstrated the apparent ability to control bycatch if the incentive is there through individual vessel accountability achieved by the cooperatives. Additionally the fleets in the Pacific Coast and British Columbia have shown how halibut bycatch can be drastically reduced with proper incentive.

In digesting the "Quantitative Examination of Halibut Mortality in BSAI Groundfish Fisheries" it seems like an attempt is made to compare the value of the groundfish harvest to the halibut wastage. Please consider that the size of the individual halibut removed as bycatch is much smaller than the harvested size as evidenced in the report. The mortality of these small fish represents an exponential future loss to the halibut resource in terms of growth and breeding potential. It cannot be compared pound for pound with groundfish harvest. The IPHC has done a number of reports displaying this future value.

This is a crucial time for Pacific Halibut stocks. Please act with the urgency and decisiveness needed to protect this resource.

Thank You,

Malcolm Milne, President
North Pacific Fisheries Association

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January 28, 2014

Eric Olson, Chairman
North Pacific Fishery Management Council
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Anchorage, AK 99501-2252
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Re: Agenda Item C-7 BSAI Halibut Discussion Paper

Dear Mr. Olson:

Thank you for the opportunity to comment on the Council's updated discussion paper and analysis relevant to potential changes in BSAI halibut PSC limits. I submit the following comments on behalf of The Boat Company (TBC). TBC is a tax exempt, charitable, education foundation with a long history of operating in southeast Alaska. TBC conducts multi-day conservation and wilderness tours in southeast Alaska aboard its two larger vessels, the 145' M/V Liseron and the 157' M/V Mist Cove. TBC's clients participate in a variety of activities as part of their visit that include environmental education, kayaking, hiking, beachcombing as well as sport fishing from smaller vessels. Many of these clients relish the opportunity to fish for halibut and as a result halibut fishing and long-term conservation of the halibut resource are important to TBC. Additionally, TBC's tours operate in southeast Alaska communities that significantly depend on the access to the halibut resource for commercial and guided sport fishing, unguided sport fishing and subsistence.

TBC's comments respond primarily to the IPHC Halibut Bycatch Work Group (HBWG) report excerpts included in Section 5 of the updated discussion paper.¹ In particular, TBC requests that the Council move forward with the development of updated and ambitious bycatch reduction targets. Halibut bycatch in the BSAI, more than any other IPHC regulatory area, poses significant risks to the long-term viability of downstream commercial, sport (guided and unguided) and subsistence halibut fisheries and the resource itself. The development of PSC limit reduction alternatives of at least 50% would best meet National Standard 9's mandate to minimize bycatch and be consistent with past recommendations from IPHC working groups, the conservation burden borne by directed fishery stakeholders, and bycatch reductions implemented in other regulatory areas.

Over two decades ago, in 1991, the IPHC established its first work group dedicated to investigating halibut bycatch.² The 1992 HBWG recognized that "PSC limits must be reduced, regardless of stock status" and added that there was an urgent need to re-evaluate and lower BSAI PSC limits because of a recent and rapid decline in recruitment, and a strong cohort of juvenile halibut was vulnerable to the trawl fishery.³ The 1992 Report explained that "bycatch is particularly unacceptable when the stock is low or recruitment is weak" and

¹ See Northern Economics, Inc. A Quantitative Examination of Halibut Mortality in BSAI Groundfish Fisheries at 77-84. Prepared for North Pacific Fishery Management Council. January 2014.

² IPHC. 2013. Report of Halibut Bycatch Work Group, Version 9 at 5. November 2013. Available online at http://www.iphc.int/documents/bycatch/Halibut_Byc_Work_Group_rept_v9.pdf

³ Salvesson, S. et al. 1992. Report of the Halibut Bycatch Work Group at 19, 25. IPHC Tech. Rpt. No. 25.

indicated that it would be appropriate for bycatch levels to reflect stock abundance. *Id.* at 19. The 1992 HBWG then identified a range of between 7 million and 9 million pounds taken coast wide between 1983 and 1986 as a reasonable *initial* goal that would reduce coastwide bycatch by more than 50% from the 18 million pounds taken in 1990 and suggested that limits be ratcheted downwards at 10 percent a year. *Id.* at 28-29.

Over the past two decades, other IPHC regulatory areas have responded to the 1992 HBWG's recommendations, regardless of stock status, by implementing substantial bycatch reduction measures. The PFMC's maximum limit set in 2011 represented a reduction of more than 50% from historical bycatch levels.⁴ Area 2B halibut bycatch consistently ranged between 1 and 2 million pounds from 1984 – 1995; since that time it has achieved an 85% long term reduction from previous levels of bycatch mortality. *Id.* at 33. The BSAI trawl groundfish fishery has had comparatively smaller and incremental PSC reductions. In 1993, FMP Amendment 21 converted the pre-existing trawl PSC limit from total bycatch to bycatch mortality, resulting in a 3,775 mt limit.⁵ In 2000, Amendment 57 reduced the trawl PSC limit by 100 mt – to 3,675 mt, or 6 million pounds - roughly a 3% reduction. *Id.* at 10. The reduction plan implemented in 2008 for Amendment 80 participating vessels resulted in a functional limit of 3,525 mt for 2013 – or a 7% overall reduction from the limit established in the early 1990s.⁶

These previous measures have not adequately responded to the 1992 HBWG's finding that bycatch in general must be reduced and is particularly unacceptable at low population levels. Today, the female spawning biomass is roughly half as large as it was during the late 1980s and early 1990s when the 1992 HBWG made its recommendations for abundance based PSC limits and bycatch reduction targets.⁷ Currently, the halibut population is well below historical levels and is "estimated to be at 38% of the long-term average equilibrium spawning biomass." *Id.* at 169. Over the next few years, IPHC scientists project a continued population decline even with low fishery harvest levels. *See id.* at 196, Fig. 19.

However, halibut PSC in the BSAI groundfish fisheries alone continues to be in the range of the lower bounds of the 1992 HBWG's reduction goal for all coastwide fisheries. The 2004 – 2013 mean average halibut PSC in the BSAI groundfish fisheries from 2004 – 2013 is 6.5 million pounds and has been as high as 7.7 million pounds in 2005.⁸ And over the past decade, BSAI trawl fisheries alone have removed more than 52 million net pounds of halibut, or nearly half of the 113 million pounds of bycatch mortality for that time period and well over half of the total bycatch mortality for 2013. *Id.* at 298, Table 3.

Meanwhile, the directed fishery catch for 2014 in the BSAI will be roughly 3.4 million pounds, meaning that under the current PSC limit, nearly two-thirds of the total BSAI halibut removals could be bycatch.⁹ As noted by the St. Paul Fishermen's Association, "the

⁴ Karim, T. et al. 2012. Report of the 2010 Halibut Bycatch Work Group. Int. Pac. Halibut Comm. Technical Report No. 57 at 10 – 11.

⁵ Northern Economics, Inc. Halibut Prohibited Species in the BSAI Groundfish FMP and Regulations. Prepared for the North Pacific Fishery Management Council. May 2012 at 9.

⁶ Williams, G.H. Halibut bycatch limits in the 2013 Alaska groundfish fishery at 311. In: Int. Pac. Halibut Comm. Report of Assessment and Research Activities 2013 pp. 311-.

⁷ *See* Stewart, I.J. & S. Martell. Assessment of the Pacific Halibut Stock at the End of 2013 at 182, Table 3. In: Int. Pac. Halibut Comm. Report of Assessment and Research Activities 2013 pp. 167-196. Available online at http://www.iphc.int/publications/rara/2013/rara2013_12_2013assessment.pdf

⁸ Williams, G.H. Incidental Catch and Mortality of Pacific Halibut 1962-2013 at 294. In: Int. Pac. Halibut Comm. Report of Assessment and Research Activities 2013 pp. 289-310.

⁹ *See* <http://www.iphc.int/news-releases/364-nr20140124.html>

amount of halibut bycatch is disproportionately increasing in comparison to the catch limits allocated to the directed fishery in Area 4CDE” which “may end up with 100% of halibut harvest allocated to bycatch.”¹⁰

BSAI halibut PSC also has significant downstream impacts which are both short-term, through reduced yield, and long-term, through reductions in the spawning biomass. A 2011 IPHC analysis of migration effect found that migration decreased the expected impacts of halibut PSC in the BSAI and increased the impacts in all other areas, particularly Area 2, that the impact of BSAI juvenile halibut bycatch mortality “is realized in all downstream areas” and that except for the BSAI, most of the impacts of juvenile halibut bycatch mortality are transferred to other areas.¹¹ As shown in the appendices of the HBWG’s latest draft report, BSAI halibut PSC substantially reduces the lost yield in all other regulatory areas by millions of pounds.¹² The 2011 BSAI halibut PSC of 5.1 million pounds, for example, resulted in an immediate loss of 3.144 million pounds to directed fisheries, a delayed loss of 3.352 million pounds, or a total loss of 6.496 million pounds. *Id.* at 50, Table 3b.

In terms of long-term impacts, BSAI PSC limit reductions may be critical to ensuring the recovery of the halibut resource. The IPHC’s 2011 comment letter to the Council regarding GOA halibut PSC explained that reduction in U26 mortality are “particularly important to the health and potential for recovery of the stock from the current low level of exploitable biomass.”¹³ This rationale is even more critical with regard to the BSAI fisheries. Most of the BSAI halibut PSC consists of U26 fish; in 2011, there was a total estimated mortality of 2,620,227 individual U26 halibut in the BSAI, or more than 80% of U26 PSC in Alaska. *Id.* at 16, 43, Figure 4. This means that BSAI PSC has by far the most significant impact on future female spawning biomass – the 5.1 million pounds of halibut PSC in 2011 will add a cumulative loss of 15 million pounds from the female spawning biomass to the 6.5 million pounds of lost fishery yield. *Id.* at 50, Table 3b.

For the above reasons, TBC requests that the Council prioritize the development of updated bycatch reduction targets for the BSAI groundfish fisheries. TBC respectfully submits that the development of alternatives that reduce halibut PSC by 50% or more would best meet National Standard 9’s mandate to minimize bycatch in light of relevant factors that include negative impacts on affected stocks, short and long-term impacts to directed commercial, recreational and subsistence fisheries and in particular the need to adhere to a precautionary approach given the uncertainty about the long-term health of the halibut resource. ¹⁴

Sincerely,

Paul Olson

¹⁰ See

http://www.iphc.int/documents/bycatch/hbwgcomments/37StPaulFishermenAssoc_comment.pdf

¹¹ IPHC. 2013. Report of Halibut Bycatch Work Group, Version 9 at 17 (reviewing Valero, J.L. & S.R. Hare. 2010. Evaluation of the impact of migration on lost yield, lost spawning biomass, and lost egg production due to U32 bycatch and wastage mortalities of Pacific halibut. In: IPHC Report of Assessment and Research Activities 2010 at 261- .

¹² IPHC. 2013. Report of Halibut Bycatch Work Group, Version 9 at 16, 44-45 (Figure 5).

¹³ IPHC Staff. 2011. Item 1. Effect of reducing bycatch limits in the Gulf of Alaska on the halibut exploitable biomass and spawning potential, including downstream effects from halibut migration. March 2011.

¹⁴ 50 C.F.R. § 600.350(a)(d).



Halibut Bycatch and solutions

2 messages

youngbloodfisheries@gmail.com <youngbloodfisheries@gmail.com>

Tue, Jan 28, 2014 at 2:27 PM

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

My name is jon Youngblood. I have been a Bering Sea fisherman for the past thirty years. The first 10 years I fished on trawlers. In 1994 I switched to long lining and captained the Catcher Processor "Norton Sound" for the next 15 Years. In 2010 the Cod fleet formed a co-op which due to fleet consolidation took the boat I captained and my job out of the fishery. The following year I chose to buy shares of halibut quota and have participated in that fishery for the past 3 years. During that time I have seen my quota drop 66 percent. We are expected to take a 23 percent drop in 2015 to counteract a freefall in the reproductive Halibut stock. Over the same period of time the percentage of harvestable halibut dedicated to bycatch has gone up every year. If this trend continues, the Bering Sea and Aleutian commercial Halibut fishery will cease to exist in the next few years. These quota cuts has and will continue to devastate local communities and the Halibut fisherman that serve these communities.

The Halibut commission is limited in their scope to successfully manage the Bering Sea Halibut resource. The Commercial directed fishery accounts for only 25 percent of the harvested resource. The other 75% goes to bycatch. Ultimately bycatch quotas and the directed commercial fishery quotas need to float up or down depending on the health of the stock rather than being managed independently. This is done with all other ground fish and sector splits of various gear types. Halibut should be no different. Unfortunately the vested interests of other fisheries will make that next to impossible in the near future. Until that time comes their are steps toward conservation that we can do to reduce bycatch.

In 2013 the Hook and Line Catcher Processor fleet that direct fished Cod caught 5,000,000 lbs. of Halibut that was released back into the ocean in various stages of mortality. That doesn't take into account the amount of Halibut that are damaged on the bottom when hooks are hauled at 3.5 knots. IPHC surveys see a 20% prior hook damage in the Bering Sea on Halibut caught in the survey. Prior hook damage is 5% everywhere else except small areas in the Gulf where Halibut Charters operate. "B" shares are currently restricted to iced delivery. Allow "B" shares to be used as "A" shares in areas 4B, 4C, 4D, 4E. By allowing Halibut to be frozen on these vessel this will eliminate fish being caught thrown away and caught again for commercial use. This will reduce the bycatch of other species as well. It will also improve Halibut mortality. These vessels will haul a little slower and the fisherman will treat the Halibut a little better because they are making money off of the resource. Originally these condition codes were to protect the processors. Nowadays because of the co-ops and Crab IFQ fisheries, the two Akutan/ Dutch Harbor processing plants that were buying Halibut didn't want it last year until the middle of June. ST. Paul generally doesn't want Halibut until July, and Adak is unreliable year to year.

The next thing that can be done is eliminate vessel caps in Area 4. More halibut boats fishing small quotas make it difficult to keep crew because they make so little due to overhead. Eliminating vessel caps will consolidate the fleet, build better crews and Captains, and increase profits so boat owners

have the money to make repairs and improvements to help them compete. These aren't the old days when one fishery ended we could just try out luck at another fishery. Everything is closed up these days with co-ops and IFQs.

Thank you,

Jon Youngblood

Sent from Windows Mail

NPFMC comments - NOAA Service Account <npfmc.comments@noaa.gov>
To: youngbloodfisheries@gmail.com

Tue, Jan 28, 2014 at 3:49 PM

Thank you for your comment, if this comment was received after January 28, 5:00pm, it is considered a late comment and will not be copied for February briefing books.