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January 26, 2021  
Mr. Dave Witherell, Executive Director  
North Pacific Fishery Management Council  
1007 W. 3rd Ave., Ste. 400  
Anchorage, AK 99501-2252

RE: Oceana's assertion that halibut deck sorting is not achieving halibut mortality savings due to killer whale predation

Dear Mr. Witherell,

During staff tasking at the Council's December 2020 meeting, Oceana's senior scientist provided testimony urging the Council to "suspend the halibut deck sorting program" under the premise that the savings of halibut mortality are not being achieved because killer whales are eating the deck-sorted halibut (Council archive 2020-12-11b available at 3: 15: 20 see: <https://app.box.com/s/666rd566ouepsa541zluwh0n9xwnqcn>.)

We normally don't respond to statements we feel are far afield of fact and reason but in this particular case, given the testimony included specific information about the frequency of killer whale interactions, we feel obliged to do so.

As you know, Alaska Seafood Cooperative (AKSC) has worked in close collaboration with the Council and NMFS to ensure deck sorting achieves significant and verified reductions of halibut mortality. The program took more than five years to develop through EFPs done in close coordination with the Alaska Region, AFSC's FMA, and with significant input from OLE. For this reason and because we believe the deck sorting program is achieving its objectives, we feel it's important to provide some information in response to Oceana's testimony.

After doing some research, we learned Oceana based its assertion on information from the December OLE report to the Council where the 242 "occurrences" of deck sorting with killer whales present (and presumption of predation) can be found. Specifically, the OLE report states: "During FY20, the Observer Program instructed observers to record marine mammal interactions during halibut deck sorting. These statements documented the phenomenon of marine mammals (in particular orcas) feeding on deck sorted and discarded halibut. While predation of discarded halibut does not indicate a direct violation, this marine mammal learned behavior is nonetheless interesting. In FY20, there were 12 statements detailing 242 occurrences of marine mammal interactions in the Amendment 80 fleet".

To better understand what is meant by "occurrences" we followed up with Special Agent Nathan Lagerwey after the December Council meeting. As we suspected, an



occurrence is a haul-specific event where an observer reports that a killer whale or whales appear to be feeding on deck-sorted halibut. Our follow-up with Mr. Lagerwey was in part motivated by concern for how the public might interpret the information in the OLE report and specifically "242 occurrences". We wondered if OLE could, in the future, also report the number of deck-sorted Amendment 80 (A 80) hauls "without occurrences".

Recognizing our concern, OLE told us they don't have the specific number of deck-sorted hauls to calculate the frequency of non-occurrences but would try to present information in future reports that would put things into better context. OLE did say they do have information about the number of "observer days" for deck sorting in total and those with "occurrences" in the context of killer whale interactions comprise a very small fraction of the total. AKSC cannot calculate the fraction by observer days but based on our records, in 2020 there were 16,830 A 80 hauls where deck sorting was done. Hence, the 242 hauls with "occurrences" actually amounts to a very small fraction of one percent of all A 80 deck-sorted hauls.

From our communications with Agent Lagerwey and Compliance Analyst Alex Perry, we believe they both understand the concern we flagged for how the information might be taken out of context. We very much appreciate their willingness to present information on this subject with more context going forward.

In contrast to Oceana's recommendation that the deck sorting halibut program should be suspended, we want the Council to know that while not perfect, deck sorting is achieving significant benefits to halibut and to the fisheries. 2020 was the first year of deck sorting under regulations and it went relatively well in all respects based on our observations and from input we received in our periodic meetings with the Region, FMA, and OLE.

Finally, we want the Council to know that captains tell us the only fishery where they encounter killer whales around the vessel is in deep water flatfish off the Bering Sea shelf. Even in that small target fishery (relative to the main A 80 flatfish fisheries) captains only see killer whales at certain times and locations. When captains do have killer whales present, they go through a variety of steps to avoid and allude them, including changing areas or bringing the net aboard then steaming away prior to deck sorting. Having spent significant time over the years on our boats and talking with our captains in the development of deck sorting, I can say that I am extremely proud of their efforts and commitment to make deck sorting successful.

Thanks for your consideration of our comments and please feel free to contact us if you have any questions.

Sincerely,



John Gauvin  
Fishery Science Projects Director