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Simon Kinneen, Chairman
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Re: Agenda Item C-2 BSAI Halibut PSC Limit Initial Review Draft

Dear Mr. Kinneen:

Thank you for the opportunity to comment on the preliminary draft Environmental Impact Statement (DEIS) for a proposed amendment to the Bering Sea Aleutian Islands Groundfish Fishery Management Plan that would implement abundance-based management for halibut prohibited species catch (PSC or bycatch) limits. I submit the following comments on behalf of The Boat Company. The Boat Company is a tax exempt, charitable, education foundation with a long history of operating in Southeast Alaska. The Boat Company conducts multi-day conservation and adventure tours aboard two small cruise passenger vessels, the 145' M/V Liseron and the 157' M/V Mist Cove. Clients participate in a variety of activities as that include environmental education, kayaking, hiking, beachcombing and sport fishing from smaller vessels. Many of these clients relish the opportunity to fish for halibut. Efforts to ensure the recovery of the resource over the long term may increase the availability of these fish to recreational fishermen relative to the current regulatory context which restricts the size and numbers of halibut available for our fishery.

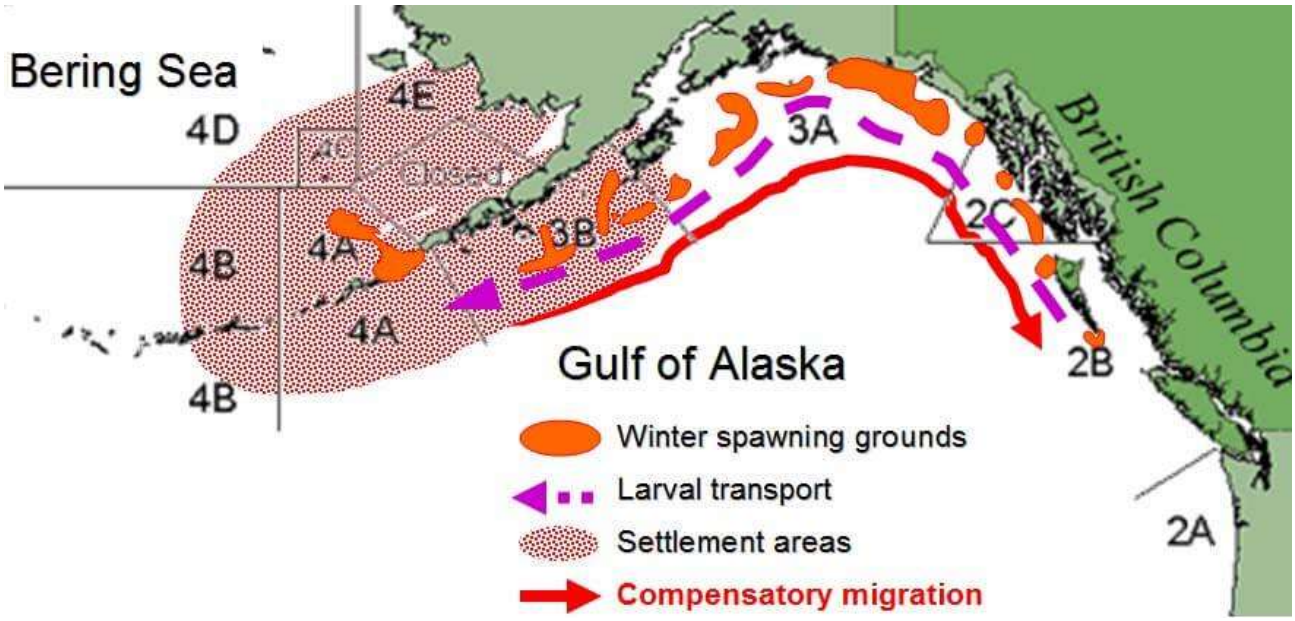
Additionally, our tours operate in Southeast Alaska communities that depend on access to the halibut resource for commercial and guided sport fishing, unguided sport fishing and subsistence. We are a supporting business member of the Alaska Longline Fishermen's Association, Alaska Trollers Association and Southeast Alaska Seiners. Southeast Alaska's coastal fishing communities are a major attraction for our clients, and we serve seafood caught by local hook and line fishermen, including halibut and sablefish. The commercial fishing industry and the visitor products industry, which includes guided sport fishing, are the two main economic drivers of the region's private sector economy.

The Boat Company supports abundance-based limits and requests that the Council identify Alternative 4 with Option 3 as the preliminary preferred alternative. There are three action alternatives that would vary the PSC limits based on halibut abundance indices from fishery surveys. Alternative 4 reduces the current PSC limit up to 45 percent at lower levels of halibut abundance, preserving more adult and juvenile halibut to contribute the coastwide biomass and coastwide halibut fishery yield. Option 3 would establish an annual "benchmark" limit of 80-90 percent of abundance-based PSC limit. While the limit is non-binding, it would incentivize bycatch avoidance because if exceeded in three out of seven years, then it becomes the hard cap. Alternative 2 would reduce the current limit 20 percent at lower levels of halibut abundance. Alternative 3 would increase the existing limit 15 percent above the status quo at higher levels of halibut abundance and reduce the limit 30 percent at lower levels of halibut abundance. These alternatives fail to

fulfill the primary purpose of improving conditions for Area 4 halibut fisheries and maintain high levels of juvenile halibut bycatch at low abundance levels, imposing costs on downstream halibut harvesters.

Alternative 4 best addresses the needs of directed halibut users and halibut-dependent communities. The current fixed limit is inconsistent with the abundance-based management of directed halibut fisheries and most other federal and state Alaska fisheries. The main purposes of this action is to address continuing low levels of halibut biomass and the effect of the bycatch fisheries, which reduce halibut harvests for Bering Sea fishing communities. Table 5-7 in the DEIS shows that Alternative 4 is the only alternative that appears to provide bycatch reductions at low abundance levels sufficient to provide some buffering effect for these halibut fishermen. The 45 percent cut is essential to maintain some level of active fishery, as the DEIS projects that halibut abundance as measured by the survey indices likely will remain at low levels.

The DEIS acknowledges that longer term benefits to the directed halibut fisheries could accrue throughout the distribution of the halibut stock because of a reduction in the number of juvenile halibut killed as bycatch in the Bering Sea. The Boat Company requests that the Council consider these long-term benefits to downstream fisheries as halibut migrate and recruit into the directed fisheries. [1]



The DEIS acknowledges that "exchange rate" or "yield gain" data used in the analysis which show the impacts of transferring bycatch to halibut harvesters "are lower than what a coastwide study would find." The 2021 International Pacific Halibut Commission study identifies a larger coastwide 1:1 "exchange rate" from bycatch to directed fisheries (115 percent on average). While the rate may vary, the *cumulative savings and yield over time* are of considerable importance to halibut fishery stakeholders. Also important is how the exchange rate reflects the age structure of halibut bycatch, because the Bering Sea bycatch fisheries kill halibut that are notably smaller and younger.

[1] Graphics credit: https://iphc.int/management/science-and-research/biological-and-ecosystem-science-research-program-bandesrp/bandesrp-migration/juvenile-migration

Historical perspective is important to understanding the cumulative impacts of halibut bycatch and illustrate the significant inequity caused by the bycatch fisheries over time. During the 1960s, foreign trawl fisheries began operating in the Bering Sea, killing large numbers of juvenile halibut between 1964 and 1974. Coastwide halibut bycatch mortality increased to 20 million pounds. From 1973-1982, landings in the directed fishery fell to their lowest levels since the early 20th century when the Pacific halibut fishery was still developing – 25 million pounds a year. The IPHC had closed a portion of the Bering Sea - the "Bering Sea Closed Area" in 1967 to protect a large population of juvenile halibut from trawling. The Closed Area helped to reduce bycatch to 4.2 million pounds by 1985. Halibut abundance then improved dramatically.

In 1976, Congress enacted the Magnuson-Stevens Act to conserve U.S. fishery resources and protect them from the foreign fleets. Congress had anticipated that Americanizing the fisheries would conserve U.S. fishery resources. For a five-year period during the 1980s, the curtailment of foreign fisheries resulted in considerable bycatch reductions which dropped to a coastwide annual average of roughly 10 million pounds a year from 1982-1987 and to 7.2 million pounds in 1985, the lowest level since 1960. By 1984, commercial halibut landings had begun to recover, increasing to 45 million pounds. Commercial and sport landing averaged over 67 million pounds annually for the next decade. But as American trawlers replaced the foreign vessels, coastwide bycatch increased again, peaking at 20.3 million pounds in 1992.

In 1996, Congress responded to these bycatch increases by amending the Magnuson-Stevens Act through the Sustainable Fisheries Act. The Sustainable Fisheries Act added National Standard 9, which requires that Councils to reduce the amount of bycatch. The bycatch minimization requirements explicitly targeted worsening bycatch problems in many areas and particularly the Bering Sea trawl fisheries.

Sustainable Fisheries Act of 1996

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 Gulf of Mexico shrimp fishery, the Pacific 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 the factory trawlers that are committing waste – threw 17 percent of their catch overboard, dead and not uses. 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.

Senator Ted Stevens, September 18, 1996 (142 Cong. Rec. S10810).

The Council may take final action on this amendment in October 2021 - the 25th anniversary of the Sustainable Fisheries Act. How many halibut have trawlers killed in the Bering Sea since 1996? 120 million net pounds or so?[2] One of the factors under the National Standard 1 guidelines is the effect that past harvest levels have had on fishing communities. National Standard 9 guidelines similarly require Councils to consider both short- and *long-term* impacts to fishery participants who target halibut. The lost opportunity to harvest halibut killed as bycatch has had a cumulative costly effect on Alaska coastal communities. A 2021 study of Alaska's community fishing economies identified a significant migration of catch value out of Alaska.[3] The study did not quantify bycatch as part that value. But the take of tens of millions of pounds of halibut killed as bycatch to support a handful of Seattle trawl companies is a huge loss. Every additional million dollars in local fisheries earnings generates another dozen crew or processing jobs and two to seven spillover local jobs and up to a half million dollars in community income.

These impacts illustrate why the National Standard 1 guidelines define "net benefits to the Nation" much more broadly than the simple attainment of maximum yield by one industrial scale sector. The DEIS repeatedly refers to a "policy trade-off" between National Standards 1 and National Standard 9. But the Magnuson-Stevens Act defines "optimum," with respect to the yield from a fishery, as 'the amount of fish that will provide the greatest overall benefit to the Nation … as reduced by any relevant economic, social, or ecological factor …." Economic and social factors include "preservation of a way of life for fishermen and their families," and local community dependence on a fishery and ability to adapt to change. Nowhere in the definition of "net benefits to the Nation" is there a stated priority for industrial scale groundfish take by 20 trawl vessels over the interests of hundreds of halibut harvesters in the U.S. – whether from Ballard, Sitka, St. Paul or even Florida.

Net benefits to the nation also include recreational fishing values. Important net National benefits and factors to consider identified in the National Standard 1 guidelines include "enjoyment gained from recreational fishing," "recreational needs," "the benefits of recreational opportunities" in terms of the quality of the recreational fishing experience and "the contribution of recreational fishing to the national, regional, and local economies and food supplies." The DEIS focuses exclusively on Area 4 sport fisheries, which are relatively small. Thus, in addition to the impacts on directed fisheries, the Council also needs to weigh the recreational values of Pacific halibut and interests of recreational fishermen as beneficiaries of bycatch reduction in the long term. Those interests and values will be properly addressed with the action that best supports directed harvest improvements for Bering Sea halibut fishermen.

For many of The Boat Company's clients who visit Alaska from around the country, the opportunity to fish for halibut is a prized experience and trip highlight. Numerous Alaskans and other Americans utilize sport fishing guides for recreation – and food. As the Council is aware from charter management measures, charter operators are facing costly day of the week closures and size and bag limit restrictions. Bycatch reduction of juvenile fish – even if the benefit is long-term - will alleviate some of these environmental harms economically externalized from the trawl fisheries to downstream halibut harvesters.

The National Standard 9 guidelines similarly include recreation values and explain that Councils must consider ten economic, management, ecological and operational factors in determining whether an action

[2] https://iphc.int/data/datatest/non-directed-commercial-discard-mortality-fisheries (showing roughly 114 million net pounds in Area 4 trawl halibut bycatch mortality from 1998-2020; the link to 1997 data on the NOAA Fisheries website used to work but is now disabled. From 1998-2005 trawl halibut bycatch mortality averaged well over 7 million net pounds.

[3] Watson, B., M.N. Reimer, M. Guettabi & A. Haynie. 2021. Commercial Fisheries and Local Economies. Institute of Social and Economic Research, University of Alaska Anchorage.

will minimize bycatch to the extent practicable, including, importantly, population effects for the bycatch species. In all cases, the guidelines explain that "Councils should adhere to the precautionary approach found in the Food and Agriculture Organization of the United Nations (FAO) Code of Conduct for Responsible Fisheries … when faced with uncertainty concerning any of the factors …."

The DEIS identifies a concerning uncertainty about population effects: "[i]t is not known how PSC of juvenile halibut is affecting the halibut spawning biomass coastwide." Between 76 and 83 percent of Bering Sea halibut bycatch is juvenile halibut and recent trends indicate higher levels of removals from the IPHC "Closed" Area. Juvenile halibut (<26", 6 years old and younger) do extensive migrations across areas, so that bycatch in one area affects abundance in others. Juvenile halibut taken as bycatch would otherwise support resource productivity and future fishery yield. It may be hard for the agency to estimate future loss, but because juvenile fish grow, biomass growth may outpace natural mortality so that bycatch takes more than a pound from future fisheries and yield loss occurs over a period of years. The 2021 IPHC study estimated suggested that eliminating bycatch in the short term (2019-2021) would generate a 2.7-2.8 pound yield gain to directed fisheries for every 2.2 pounds of bycatch eliminated.

Another major uncertainty identified in the DEIS is a management uncertainty. There has been in a recent significant increase in reported harassment, intimidation, hostility and other attempts to by trawl company employees to interfere with observers responsible for reporting bycatch. Additional coercive behavior and attempts to remove halibut from observer samples can lead to significant under-reporting of halibut bycatch.[4]

The National Standard 1 guidelines reference ecological factors pertaining to optimum yield that include "ecological or environmental conditions that stress marine organisms or their habitat, such as natural and manmade changes in wetlands or nursery grounds, and effects of pollutants on habitat and stocks." A March 2021 study reported that ocean sediment disturbance caused by bottom trawling is responsible for massive amount of carbon dioxide (CO_2) emissions, exceeding emissions from the aviation sector, which average over 900 million tons a year.[5] The DEIS should respond to this new information about pollutants released by the bycatch fisheries and their effects on marine organisms. Section 6.3.2 of the DEIS, for example, wrongly asserts that habitat effects are not detrimental to fish populations. It would be appropriate to offset any potential reductions in revenue to the Seattle companies by estimating the social cost of carbon caused by their activities, currently estimated at $51 a ton.[6]

In sum, the handful of Seattle companies have been able to externalize environmental harms caused by their bycatch so that the current pressure to conserve the halibut resource is borne by the directed halibut fisheries having lower catch limits at lower levels of halibut abundance, or for The Boat Company's clients, lower size limits, bag limits and annual concern over the potential for day of the week closures. Adoption of also requiring lower bycatch limits at lower levels of halibut abundance will help share the conservation mandate and restore some level of equity between user groups.

Hunter McIntosh, President, The Boat Company

Paul Olson, Alaska Representative, The Boat Company

[4] 'You're out there alone': whistleblowers say workplace abuse hides true impacts of B.C.'s trawl fishery - The Narwhal.
[5] https://www.nytimes.com/2021/03/17/climate/climate-change-oceans.html
[6] https://www.scientificamerican.com/article/cost-of-carbon-pollution-pegged-at-51-a-ton/