

PUBLIC TESTIMONY SIGN-UP SHEET

Agenda Item: C-2 Halibut PSC (1)

	NAME (PLEASE PRINT)	TESTIFYING ON BEHALF OF:
1	WALTER DOCHTERMAN	HALIBUT LONGLINE COODITAK
2	JAN STANDAERT SHAWN MCMANUS	DSFU bmin testifying
3	BRIAN HARBER	
4	Koll Bruce	
5	Harold Cox	DSFU
6	David Owens	DSFU
7	Jeff Peterson	DSFU
8	Joel Hanson	THE BOAT COMPANY
9	Jon Warruchuk	Oceana
10	HERMAN SQUARTSOFF	NATIVE VILLAGE OF OUZINKIE
11	James Skonberg	Ouzinkie
12	Kenny Down	Freezer Longline Coalition
13	Robert Alverson	FVUA-Seattle
14	George Hutchings	Myself
15	Howard Torsen	GOACC ONC
16	Bob Krueger	AK whitefish Trawlers Assoc.
17	Julianne Curry	PVOA
18	DARREN MULLER	GOACC
19	David Polushkin	K-Bay Fisheries ASSOC.
20	Rob Sanderson Jr	CCTHETA central council
21	Don Lane	Flv Predator
22	Kinda Behnken	ALFA
23	Scott Hansen	Beauty Bay
24	Rob Wurm	Alaskan Leader
25	Lori Swanson	GFF

NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

PUBLIC TESTIMONY SIGN-UP SHEET

(2)

Agenda Item: C-2 Halibut PSC

	NAME (PLEASE PRINT)	TESTIFYING ON BEHALF OF:
1	Susan Robinson/Erin Moore	Fishermen's Finest
2	Julie Benny	AGDB
3	Shawn Dochterman	SELF
4	Garrett Elwood	
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9		Julie Benny
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CAPE BARNABAS, INC.

PO Box 71
OLD HARBOR, ALASKA 99643
907.286.2271

AGENDA C-2
Supplemental
FEBRUARY 2012

January 20, 2012

North Pacific Fisheries Management Council
Council Members
605 W. 4th Ave.
Anchorage Alaska, 99501

RECEIVED
JAN 24 2012

Re: **Bycatch Reduction of Gulf of Alaska Halibut**

Dear Chairman Olsen and Council Members,

Cape Barnabas, INC. is a non-profit corporation recognized by the State of Alaska. Membership in the corporation consists of Old Harbor Native Corporation, Old Harbor City Council and the Old Harbor Tribal Council. It is believed that the success of Cape Barnabas, Inc. is enhanced by equal membership of the three governing bodies in Old Harbor, Alaska. Cape Barnabas, Inc. understands that it is the trustee of a community resource as a Community Quota Entity (CQE). It is our goal to acquire and manage additional quota share to increase fishing activity in the community, provide jobs to community residents, improve fisheries related infrastructure through economic growth and enable community fishermen to maintain their fishing vocations.

Cape Barnabas, Inc. is aware that you addressed halibut bycatch in October and our community was very concerned that Gulf of Alaska halibut bycatch was not reduced for the 2012 fishing season. We have been notified that the North Pacific Fisheries Management Council is again considering Halibut bycatch reductions for Gulf of Alaska fisheries and we strongly urge you to reduce the bycatch by at least the proposed 15%. It is absolutely imperative that you take

action now so that our halibut quota share is not once again reduced and the resource is protected.

Halibut fishermen are now faced with an 18% quota reduction and up to 30+% in area 3B and there has not been any action to reduce the bycatch – this is absolutely absurd to our rural residents. Our families rely on the fishing industry for our livelihoods – there are virtually no other options for employment in our village. This is a very serious issue in our community.

The community of Old Harbor is completely reliant on the fishing industry for our economic base. Halibut is a key source of income for our commercial fisherman and their families. To allow the current halibut bycatch levels to continue is conflicting to conservative resource management and the bycatch reduction is crucial in the in the Magnusen-Stevens Fishery Management Conservation Act's national standards.

Cape Barnabas, Inc. supports the highest possible amount of halibut bycatch reduction as soon as possible. This concern has a profound negative effect on our community and we hope that you will take the necessary steps to address the bycatch concerns so that our community and others do not continue to suffer from the significant amounts of wasted bycatch.

Thank you for your time and consideration of our comments regarding this issue. Please contact me at 907.286.2232 with any questions regarding our comments.

Sincerely Yours,



Rick Berns

President



OLD HARBOR
NATIVE CORPORATION

Eric Olsen, Chairman
North Pacific Fisheries Management Council
605 W. 4th Ave.
Anchorage Alaska, 99501

RECEIVED
JAN 23 2012

Re: Gulf of Alaska Trawl Halibut Bycatch Reduction

Dear Mr. Olsen,

The Old Harbor Native Corporation has been active for many years working to protect the marine resources in proximity to Old Harbor and to provide fishing opportunities in the Old Harbor area. As you may be aware, we work with Cape Barnabas, Inc., the Old Harbor Community Quota Entity, to enable the purchase of halibut quota shares for use by the CQE in Old Harbor. In addition, many of our local fishermen fish for halibut and virtually everyone in the community depends on halibut as a part of their subsistence use. Moreover, Old Harbor has several active sport fishing lodges that depend on halibut availability to attract and satisfy clients.

Because of the community's interests in halibut, Old Harbor Native Corporation has encouraged halibut conservation, particularly the reduction of halibut bycatch. We are aware that the amount of halibut allocated to the Gulf of Alaska trawl fleet has remained unreasonably high for more than 20 years. We are also aware that this fleet catches a tremendous amount of smaller halibut and therefore has had a disproportionate impact on the overall health of the halibut resource by killing large amounts of small halibut that would have recruited into the fishery. Over the past few years our fishermen attending the International Pacific Halibut Commission meetings have heard about concerns the IPHC has regarding the long-term impacts on this type fishery, and have raised our own concerns about the trawl halibut bycatch. In addition, the experience of Old Harbor's subsistence, commercial and recreational fishermen is that halibut are not as available as they were even three or four years ago and that the available halibut are, generally speaking, are much smaller than the halibut available over the past twenty to thirty years.

Given the current condition of the Gulf of Alaska halibut resource, the continued bycatch by trawl fishermen and the reductions in the commercial halibut quota, it's time for the Council to act to reduce GOA trawl halibut bycatch by at least 15% that is contemplated by the current Council amendment package. If you have any additional questions regarding Old Harbor Native Corporation's support to reduce Gulf of Alaska trawl halibut bycatch by 15% or more, please do not hesitate to contact me.

Thank you for your efforts in protecting Alaska's resources!

Best regards.

Very truly yours,

OLD HARBOR NATIVE CORPORATION

Carl H. Marrs
Chief Executive Officer

POLAR STAR, INC.

P.O. Box 2843, Kodiak, AK. 99615 907-486-5258

January 23, 2012

Mr. Eric A. Olson, Chair
North Pacific Fishery Management Council
605 W. 4th Ave., Suite 306
Anchorage, AK. 99501

RE: Agenda item C-2, Initial review of GOA halibut PSC limit reductions

Dear Mr. Olson,

I support the council taking immediate action to reduce halibut PSC limits in the Gulf of Alaska. In particular, I urge the council to select Alternative 2, option 2, sub options 1C, 2C and 3C as the preferred preliminary alternative at this meeting.

I own and operate two fishing vessels, the 58-foot *Polar Star* and the 56-foot *Miss Lori*, both of which participate in the commercial halibut IFQ fishery in the Gulf of Alaska and the BSAI. The commercial halibut IFQ sector has seen a 50% reduction in catch limits in the GOA in the past decade. The IPHC proposed catch limits, if approved at the upcoming meeting, will result in declines of 17% and 32% for areas 3A and 3B, respectively. The IPHC scientific staff is greatly concerned about the overall health of the halibut stock. Yet, the trawl and hook-and-line sectors have the same PSC limits (2300 mt total) that they have had since 1986. I would argue that this situation is unfair to the IFQ sector. Both the IFQ sector and the sectors that utilize halibut PSC are using a common resource. If there is a precipitous decline in that resource, why is it that only the IFQ sector sees a precipitous decline in catch limits? I believe that the trawl and HAL sectors should also face a reduction in halibut usage. As a matter of fact, I believe that the reduction should be significantly more than the 15% options that are currently in the analysis. The Amendment 80 sector in the BSAI recently underwent a stairstep reduction in halibut PSC limits and was able to accommodate them; I would argue that the GOA fleets should also be able to accommodate PSC reductions if they prosecute their fisheries conscientiously. This analysis is comprehensive and clearly shows that a reduction in halibut PSC limits for the GOA is justified. Therefore, as a matter of fairness and out of concern for the health of our halibut resource, I urge the council to select a preferred preliminary alternative at this meeting and take final action as soon as possible to reduce the halibut PSC limits in the GOA.

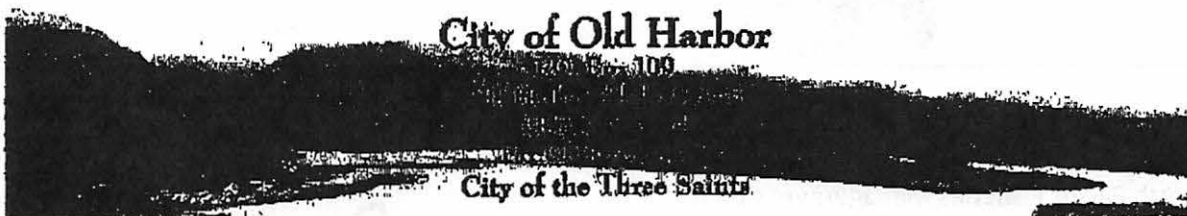
Thank you for your consideration.

Sincerely yours,

Patrick Pikus,

Polar Star, Inc.





January 16, 2012

Council Members
North Pacific Fisheries Management Council
605 W. 4th Ave.
Anchorage Alaska, 99501

Re: **Bycatch Reduction**

Dear Chairman Olsen and Council Members,


The City of Old Harbor has received notice that the North Pacific Fisheries Management Council is again considering Halibut bycatch reductions for Gulf of Alaska fisheries. We are aware that you addressed this issue in October and had hoped that you would reduce GOA halibut bycatch for the 2012 season in your specification setting process in December. Why the delay? Halibut fishermen are now faced with an 18% quota reduction (30+% in area 3B) and still no progress on reducing halibut bycatch. The Council must act as soon as possible so that halibut bycatch is reduced for the 2013 halibut season.

Old Harbor is a fishing community. Halibut is important for our commercial fishermen and our Community Quota Entity, Cape Barnabas, Inc. In addition, Old Harbor residents fish for subsistence halibut throughout the year and Old Harbor sport charter operator client's fish halibut from April through September. Literally every resident in Old Harbor is impacted by halibut availability. In other words, the Council's decision not to reduce halibut bycatch in 2012 has negatively impacted every resident of Old Harbor. To allow the current halibut bycatch levels to continue is contrary to conservative resource management and the bycatch reduction imperative in the in the Magnusen-Stevens Fishery Management Conservation Act's national standards.

As we review the Council bycatch reduction paper we see that the options for reduction are limited to 15%. 15% halibut bycatch reduction is not nearly high enough to help protect the halibut resource and Old Harbor resident's halibut needs. The City of Old Harbor supports the highest possible amount of halibut bycatch reduction as soon as possible. The North Pacific Fishery Management Council declares one of their policy priorities to improve outreach and communications with rural communities - we are stakeholders in the halibut fisheries and need your support in protecting our livelihood and our community's economic resource.

Thank you for all your work in protecting our fisheries resources.

Sincerely Yours,


Rick Berns, Mayor



Old Harbor Tribal Council

P.O. Box 62, Old Harbor, Alaska 99643
Phone: (907) 286-2215 Fax: (907) 286-2277

January 20, 2012

North Pacific Fisheries Management Council
605 W. 4th Ave.
Anchorage Alaska, 99501

RECEIVED
JAN 24 2012

Re: Halibut Bycatch Reduction

Dear Council Members,

We are deeply concerned with all the halibut bycatch that has occurred in our region. Halibut bycatch must be reduced immediately. Our tribal and community members in Old Harbor have seen the trawl fleet right in our front yard of Sitkalidak Straits fishing and discarding halibut. Often, halibut for our subsistence needs are virtually unavailable for a couple of weeks after the trawl fleet has been in the area and have been noticeably reduced year-round.

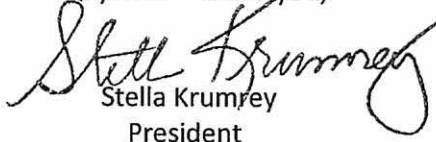
One group of fishermen should not be allowed to take subsistence food away from rural residents. With the high cost of living in rural Alaska, we are highly reliant on subsistence foods to survive. It is absolutely outrageous and absurd that you allow the trawl fleet to catch one of nature's finest eating fish and then throw it away. We think food, both on land and in the ocean, should be respected and conserved.

The Old Harbor Tribal Council understands that fishermen have to make a living and we appreciate the importance of the trawl fleet to the community of Kodiak. However, we feel strongly that the North Pacific Fisheries Management Council must act to reduce halibut bycatch and begin to think differently about throwing halibut and other bycatch away. The fleet should not only be required to keep the bycatch; they should be required to bring it to port and the value of such bycatch should go towards further fisheries research and subsistence distributions (not to those catching them but surrounding rural communities where they are harvesting). Once the bycatch quote is caught these fisheries should be shut down.

We see halibut bycatch reduction now as a first step toward changing the way halibut bycatch is managed. I must reinitiate, that as the original inhabitants of Kodiak Island, it is completely offensive to our values and traditions to see halibut and other edible fish wasted. As NPFMC Members it is your responsibility to ensure our fishery resources are protected.

Thank you for this opportunity to encourage you to reduce halibut bycatch in the Gulf of Alaska.

Quyanaa – Thank you,


Stella Krummy
President

Homer Charter Association

P.O. Box 148 Homer, Ak. 99603

President: Gary Ault, Vice president: Donna Bondioli, Secretary/Treasury: Geri Martin,
Board Members: David Bayes, Phil Warren, Alternates: Scott Glosser, Joe Svymberski

Eric A. Olson, Chairman
North Pacific Fisheries Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

January 20, 2012

Chairman Olson,

The Homer Charter Association (HCA) is an organization representing 25 charter companies and associated businesses from the Homer area. Its mission is to preserve and protect the fishing rights and resources necessary for the Homer charter fleet to best serve the recreational fishery. The Homer Charter Association submits the following comments on the Gulf Of Alaska Prohibited Species Cap issue before you at this meeting.

The association feels that the PSC halibut catch is excessive and needs to be addressed immediately. When the IPHC states: "The existing GOA (PSC) limits have been in place for trawl fisheries since 1986 and for fixed gear fisheries since 1996. The Commission staff believes that these limits were based on inadequate data, that monitoring of both historical and current bycatch mortality is similarly inadequate, and that the PSC limit for trawl fisheries should be reduced as a precautionary measure until the improved observer procedures are implemented, at which time the estimated bycatch mortality levels can be re-evaluated to the context of halibut stock dynamics." There is reason for concern.

We feel that it is time for:

- 100% observer coverage on all boats engaged in the GOA groundfish fishery. Whether the fishery observer is a human or a live video feed with GPS documentation it is absolutely essential to observe and gather accurate

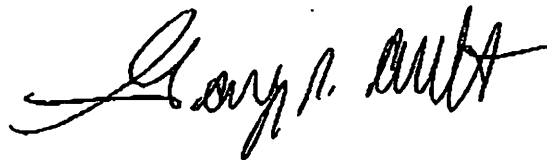
information. No one knows how many tons of other species, not named or counted were destroyed.

- Halibut populations in the Gulf of Alaska have varied dramatically in recent years. The exploitable biomass has declined by 50% over the past decade and growth rates have also declined. Longline and guided recreational fishermen catches were reduced by 17% and 15% respectively this year so a halibut bycatch reduction by the maximum proposed 15% is a must.
- Economic losses suffered by crab fishermen, halibut longline fishermen and recreational fishermen need to be analyzed.
- *The goal is to prevent overfishing by all user groups.*
- A funding source taken from the trawl fishery participants needs to be implemented to research improved trawl techniques and equipment. Strip mining the ocean floor is no longer acceptable.
- The trawl industry is urging the Council to pursue economic incentives, including bycatch shares and cooperative management systems that allow for individual accountability. The clean fishers keep fishing the unclean get shut down.

In closing, The Homer Charter Association feels that the new data coming from IPHC concerning biomass levels indicates that halibut bycatch must be reduced now. The reduction amount should err on the side of conservation and not be held to the proposed 15% max figure. This reduction is still insufficient and further reductions to halibut bycatch levels should be made in the future.

Thank you,

Gary Ault, president Homer Charter Association



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Alaska Longline FISHERMEN'S ASSOCIATION

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

January 22, 2012

North Pacific Fishery Management Council
605 West 4th Street, Ste. 306
Anchorage, AK 99501

FAX: 907 271 2817

Dear Chairman Olson and Members of the Council,

The Alaska Longline Fishermen's Association (ALFA) urges you to move ahead with the regulatory amendment to reduce the Gulf of Alaska trawl and fixed gear PSC.

The Gulf of Alaska halibut PSC caps have not been modified since 1986 for the trawl sector and not since 1995 for the fixed gear sector. Since these caps were set the halibut stock and the halibut fisheries have changed dramatically. In just the past four years, the coast-wide exploitable biomass of halibut has declined by 27% with far larger declines in some areas. As your problem statement for this action identifies, the catch limits for the combined IPHC areas 2C, 3A and 3B have been reduced by almost 50% since 2002. As is referenced in the document, the Area 2C commercial catch limit has been reduced by 75% over the past seven years. Charter allocations in Area 2C and 3A have also been reduced to conserve stocks. Both conservation and equity considerations indicate that halibut catch in other fisheries should likewise be reduced.

Rebuilding North Pacific halibut stocks depends on protecting the large year classes of under 32 inch halibut that are currently swimming around the Gulf and Bering Sea. Because halibut growth rates have slowed, these small halibut are taking far longer than was projected to reach directed fishery harvestable size and are also remaining vulnerable to trawl bycatch for an extended period. Coastal fishermen who have invested in halibut shares are trying to hang on, economically, until these strong year classes of small fish grow to harvestable size. If too many are lost to bycatch, halibut stocks will not rebound and all halibut fishermen, including subsistence, sport, charter and commercial, as well as Alaska coastal communities will suffer.

We recognize that all fisheries, including the directed halibut fishery, have bycatch. ALFA members are working to address bycatch issues through a number of initiatives. Our membership has formed a Conservation Network that assists fishermen with identifying and avoiding areas of high rockfish bycatch rates by sharing bycatch and benthic mapping data. We intend to expand the network to address other

Issues as they are identified. We will be working through the IPHC process to remind halibut fishermen that careful release of undersized halibut is required, and to ensure all halibut fishermen are proficient at the careful release process.

National Standard nine from the Magnuson Stevens Act directs Council's to reduce bycatch and bycatch mortality to the extent practicable. ALFA believes the current status of the halibut stocks and the halibut fisheries calls for a reduction in halibut bycatch to rebuild stocks and protect those who have historically depended on the halibut resource for sustenance and livelihood. We urge the Council to advance the GOA PSC amendment and to commit to 2013 implementation of bycatch reductions.

Sincerely,



Linda Behnken
(Director, ALFA)

1/24/2012

North Pacific Fisheries Management Council

To whom it may concern,

Re: GOA halibut PSC

The trawl GOA halibut PSC must be reduced now. The current bycatch limits are causing unacceptable reductions in catch in halibut targeted fisheries like mine. I see a future for my fishery that has reduced catches every year for a long time to come if policy is not changed. It is unacceptable that another user group (GOA cod trawl fishery) can discard far more halibut every year than my fishery (recreational halibut) catches every year state wide.

The proposed reductions under alternative 2 of the Environmental Assessment 1/12/2012 of up to 15% may be too little too late. The IPHC indicates the stocks are stressed to the point that reductions in the targeted halibut fisheries may need to be greater in the near future. If that is so then a 15% reduction in bycatch will be too small. Isn't it better to have a larger reduction like 30 – 50% and back off slowly as the fishery recovers than crash the fishery with a small reduction and then try to rebuild the stocks?

Regardless of the alternative chosen none will do any good towards rehabilitating the resource unless there is 100% observer coverage in the trawl fleet. The trend all over the world is for increasing stress on all fish ecosystems and stocks. Isn't it time we took a hard line to dirty fishing practices? We should do all we can to insure that halibut stocks stay healthy for the future.

Individual trawlers should have a halibut PSC quota and when they reach that via an observer program then they stop fishing.

Please consider a greater than 15% reduction in halibut PSC, 100% observer coverage and immediate cessation of fishing upon reaching an individual vessel PSC quota.

Thank you,



Sean Martin

Homer, Alaska

907-235-5130

01/22/2012

North Pacific Fisheries Management Council
605 west 4th suite 306
Anchorage , Ak 99501-2252

RE: Agenda item : C-2 Halibut PSC

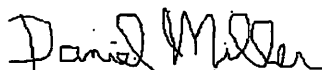
Dear NPFMC I support halibut bycatch reduction,

I have fished Halibut commercially out of Kodiak since 1978. First from a skiff and later 1988 Captain of a larger vessel. 1995 I bought into the councils IFQ program for Halibut and a 48 foot boat. Since then Halibut has been 80 percent of my income. My daughters husband is crew and his income also comes from this fishing. I noticed a sharp decline in my catch rates along with seeing trawlers for the first time in the heaviest concentrations of halibut on Albatross Banks and Chiniak gully. Last year I could see the end of the halibut fishery coming and sold some IFQ to pay down my debt.

A lot more is at stake than the thousands of people in Alaska coastal communities that will lose their fishing income. The Federal IFQ Loan program is one. The town of Homers Buying station. The independent processors who depend on halibut. Sport Charter industry To name a few.

- I feel the major processors are short sighted and limiting opportunity by continuing to lobby for high bycatch rates.
- The expanding longline autobaiter cod fleet is killing off juvenile halibut.
- The arrowtooth flounder trawl fleet is killing off juvenile halibut and spawning halibut
- 35 percent observer coverage means the bycatch could be double what we think. Even at 5million pounds that's \$35million dollars a year wasted.
- Observer exemptions like the one the factory trawler Golden Fleece obtained should be revoked.

50 years ago halibut fishermen confronted the Halibut Commissioners with Photos of deckloads of halibut taken Japanese and Russian trawlers. The entire Halibut quota went to 15 million. The 200 mile limit helped rebuild the halibut stocks then. Today we need Bycatch reduction or a continued decline will occur, killing off a 100 year old fishery.



Daniel Miller Box 2865 Kodiak, Ak 99615 907-654 4621

Alaska Groundfish Data Bank
P.O. Box 788
Kodiak, AK 99615

Alaska Whitefish Trawlers Association
PO Box 991
Kodiak, AK 99615

United Catcher Boats
4005 20th Ave W suite 116
Seattle, WA 98199

Groundfish Forum
4241 21st Ave. W, Suite 302
Seattle, WA 98199

Pacific Seafood Processors Association
1900 W. Emerson Place Suite 205
Seattle, WA 98119

North Pacific Fishery Management Council
605 W. 4th Ave, Suite 306
Anchorage, AK 99501-2252

Re: C-2 Initial review of FMP amendment to set GOA Halibut PSC

January 24, 2012

Dear Chairman Olson and members of the North Pacific Fishery Management Council,

Alaska Groundfish Data Bank (AGDB), Groundfish Forum (GFF), United Catcher Boats (UCB), Alaska Whitefish Trawlers Association (AWTA) and the Pacific Seafood Processors Association (PSPA) represent members of the North Pacific fishing industry that depend on access to an amount of Halibut Prohibited Species Catch (PSC) in the Gulf of Alaska (GOA) to prosecute the target groundfish fisheries. The ability to meet Optimum Yield for a variety of groundfish species depends on the allocation of halibut bycatch mortality available to use and tools provided to the fleets to reduce and control bycatch.

We want to thank the Council for their thoughtful decision in October 2011 to change the proposed action from occurring within the annual specifications process to amending the FMP and setting the caps in regulation for the GOA. The proposed action would therefore mirror the successful process that is in place in BSAI (Bering Sea Aleutian Islands) groundfish fisheries which sets caps in regulation.

We are concerned, however, that the analysis is too narrow in scope and does not consider a wider set of alternatives as required by the National Environmental Policy Act (NEPA). The present analysis includes two alternatives: the status quota alternative (no reduction) and an alternative that would reduce the present PSC caps by 5%, 10% or 15%. The action alternative reduces the present PSC caps using a historical perspective that assumes the original caps were appropriate when set in 1989 (trawl) and 1995 (hook and line), and then goes on to assume that these historical caps could or should be adjusted downward.

We believe the proposed action is deficient since there are no alternatives that explore other possible mechanisms to set the cap level or allow the cap level to float both upward and downward over time. Presently cap changes are made based on a historical context of what the caps have been in the past; the caps could be designed to incorporate the status of the halibut stock condition and be allowed to float.

Another problem with the action alternative is there is no provision for other alternatives that could create incentives for bycatch reduction or tools to accomplish this goal. We believe there are several possible alternatives that could be explored which may offer possible tools and/or incentives at both the fleet level and/or the individual level to reduce halibut bycatch.

Alternatives that explore the Halibut PSC cap levels and mechanisms to allow it to float

The Plan Teams and SSC have both advanced the idea of a floating cap based on halibut stock size and condition. The Council seems opposed because formulating this type of alternative may be difficult and confusing. In the Pacific Council, however, the newly formulated IFQ program for the groundfish trawl fleet includes a halibut cap that is based on both halibut CEY and halibut biomass that floats based on both parameters. This demonstrates it is possible to structure such an alternative for analysis; however, we do agree it would take some investigation and analysis to develop the appropriate approach.

In principle, the difficulty level, cost, and ultimate success of avoiding bycatch depends on the relative abundance of halibut. Indexing the bycatch cap to abundance makes sense both from a resource manager's perspective (need to cut back when biomass is relatively low) and groundfish fishery perspective (when biomass is high halibut bycatch is harder to avoid and bycatch has less impact on stock and directed fishery). Biomass assessment methods involve some limited precision and therefore using a stair step approach that includes a floor and ceiling can help make caps more feasible for bycatch users as it tends to smooth out some of the swings from year to year. Those swings may be created more by variable levels of resource assessment precision than by actual changes in biomass. The GOA bottom trawl survey occurs biannually so setting caps for a two year period would also seem to be appropriate.

Alternatives that explore tools and incentives to reduce Halibut Bycatch

Penalizing good behavior is one concept that concerns the fishing community, and it should also concern the Council. From industry's perspective, working hard to reduce bycatch usually gets rewarded in the form of a reduced bycatch cap – something which reduces flexibility and sends the wrong message to fishery participants. The prospect of penalizing good behavior actually creates an incentive to fish right up to the bycatch cap out of fear of having it reduced and this incentive exists even if vessels are able to reduce their bycatch. The outcome is that – even in the face of a reduced bycatch limit – the actual effect on bycatch may not be as good as having the right incentives created in the first place.

Rolling PSC savings between years: One possible mechanism to create the appropriate incentive for bycatch saving would be to allow some PSC savings to be used in trailing years. If halibut bycatch was under the PSC cap in some years then the ability to utilize those savings in later years would help the fleet accommodate a more constraining cap in years when halibut bycatch is harder to avoid. This alternative is similar to the Chinook salmon cap in Bering Sea but would not include the added benefit of an IPA/SIP structure at the individual level. For fisheries that do not operate under catch share programs, developing a SIP or IPA is problematic; however, rolling over halibut PSC savings across years may still create some fleet-wide incentives for saving. This type of alternative removes the 'use it or lose it' mentality that a non-rolling cap creates.

Rewarding vessels if they catch less than their cap in a year would also achieve the desired outcome of being able to allocate more halibut to the directed halibut fishery by splitting the underage and only using some portion of the underage as a onetime increase in the bycatch limit in following years. The portion not rolled over is presumably rolled back into the assessment and has the effect of increasing the directed fishery CEY and the spawning halibut biomass.

Bycatch mortality reduction: Groundfish fishermen are continually looking for ways to reduce bycatch and bycatch mortality. For example, the Amendment 80 fleet is investigating methods to reduce halibut handling mortality on their vessels while continuing to provide high-quality observer data on bycatch levels. Current regulations confound these attempts by requiring halibut to be held on board for a long period of time, increasing the mortality rate, to ensure unbiased sampling. The Council should encourage NMFS and the industry to design and implement a program to allow faster release of halibut and reduce bycatch mortality. The program should be implemented in both the BSAI and GOA to reduce overall mortality rates in the Amendment 80 sector for the benefit of all sectors.

Individual vessel incentives via individual bycatch allowances: Ultimately, the best solution to reduce halibut bycatch and optimize target catch is a system of individual accountability and reward, which fundamentally changes fishery incentives. Each vessel is responsible for its own bycatch, and must control bycatch or suffer higher levels of forgone target catch. Knowing that bycatch from other vessels will not shut them down, individual operators have a strong incentive to change behavior (fishing times and areas) and, to continually improve their gear to avoid bycatch.

Further, by providing vessels with a tool to facilitate individual accountability, the Council effectively raises the bar for what is 'practicable' under National Standard 9 and can reasonably require a higher level of performance from the fishery, including increased monitoring and more stringent bycatch caps.

We recommend the Council explore this type of program for bycatch in the groundfish fisheries in the GOA. The program could allocate bycatch, in the form of 'individual bycatch quotas' (IBQs) which could be combined into bycatch cooperatives. The cooperative contract would dictate how much of a given allocation an individual vessel may use, provide flexibility through trades between vessels, control the overall bycatch amount, and simplify accounting at the Agency level.

The success of individual allocations and cooperative arrangements has been demonstrated by both Amendment 80 in the BSAI and the CGOA rockfish pilot program in the Gulf, where vessels are assigned target and bycatch amounts which can be combined to form fishing cooperatives. In both cases, the overall bycatch amount to the sector(s) is based on historic catch while individual vessels are allocated bycatch based on target allocations – so vessels with higher historic bycatch are not rewarded for past behavior. Amendment 80 included stair-step reductions in bycatch caps for halibut to allow the cooperatives to form and gain experience while applying increasingly stringent bycatch limits. Both programs have resulted in significantly reduced bycatch levels while maintaining or increasing target catch.

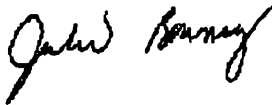
IBQs have been implemented in the shoreside trawl fisheries on the Pacific Coast, and the system provides an informative precedent and structure for such a program in the Gulf. In those fisheries, vessels receive IBQs which are indexed to the TCEY (Total Constant Exploitation Yield) for halibut determined by the IPHC and adjusted to account for sub-legal bycatch. The amount of IBQ floats with the TCEY within a given range. The program allows bycatch caps to adjust relative to the size of the halibut stock, and gives individual vessels both the benefits and responsibilities of individual accountability while providing a level of confidence in the appropriateness of the bycatch cap levels.

We strongly encourage the Council to consider whether development of an IBQ program is the best alternative to be implemented in GOA groundfish fisheries that would both minimize halibut bycatch and maximize target harvests, thus meeting the requirements of both National Standard 1 and National Standard 9.

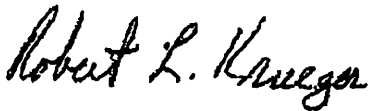
In conclusion, the North Pacific Fishery Management Council has many process and legal standards to consider as they develop regulations to manage the North Pacific fisheries. These include the MSA, NEPA, and APA requirements. Building a regulatory package that includes a wide range of alternatives would meet these requirements. We believe the alternatives recommended above represent real potential to both reduce halibut bycatch and improve the ability of groundfish fisheries to achieve optimum yield. A more thorough, thoughtful and deliberative process to regulate halibut bycatch in the GOA may very well benefit all halibut user groups.

Thanks for considering our comments.

Sincerely,




Julie Bonney
Alaska Groundfish Data Bank



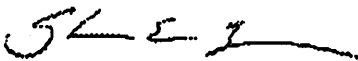
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January 24, 2012

Mr. Eric Olson, Chair
North Pacific Fishery Management Council
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Post-It® Fax Note	7671	Date	# of Pages ▶ 4
To	Council	From	GFF
Co./Dept.		Co.	
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Fax #	907-271-2817	Fax #	206-213-5272

Re: Agenda Item C-2: Initial review of FMP amendment to set GOA Halibut PSC

Dear Chairman Olson,

Groundfish Forum represents the majority of trawl catcher-processors in the Amendment 80 sector. Many of our members have a long history in and dependence on Gulf of Alaska fisheries. Amendment 80 imposed 'sideboards' which limit our sector to its historic catch in the GOA from 1998 to 2004, including halibut 'prohibited species catch' (PSC). As the Council is considering action to incorporate PSC caps in the GOA Fisheries Management Plan (FMP) and to reduce bycatch limits, we are concerned that such actions be consistent with National Standards, be applied fairly, and result in real benefits to the halibut stock and directed halibut fisheries without compromising the ability of the Council to manage for Optimum Yield of groundfish.

Groundfish Forum supports incorporating the overall GOA halibut PSC limit in the FMP, as the intent is expressed in the Council motion from October 2011. We also support the addition of new alternatives for Gulf of Alaska halibut PSC management contained in a separate comment letter co-signed by ourselves and other industry associations. In addition, we request that the Council add options to incorporate a sector split (Amendment 80/non-Amendment 80) for trawl halibut PSC limits, address the current dysfunctional nature of Amendment 80 sideboards, and remove the existing option to apply any halibut PSC reduction directly to the fifth season allocation.

Amendment 80 sideboards

As stated above, Amendment 80 included halibut sideboards based on the historic use of halibut by the sector from 1998-2004 (664 metric tons). The sideboards were then reduced by the amount of halibut allocation the sector received through the CGOA Rockfish Pilot Program, which was implemented in 2007, so that the total available halibut remained at the original sideboard level. When the Pilot Program was re-authorized as the CGOA Rockfish Program, the Amendment 80 allocation was reduced by 24 metric tons and the total halibut amount reduced accordingly.¹ In addition, the new Rockfish Program includes a 12.5% PSC reduction up front, which amounts to 10.6 metric tons for our sector. *The total PSC reduction, under status quo, is 24.6 metric tons - over 5% of the original amount under Amendment 80.*

¹ See footnote 66, page 203, of the EA. Amendment 80 historical PSC use in 3rd quarter deep water was 214 tons. That was divided into two parts, with 108 tons allocated to the Rockfish Pilot Program and the remaining 104 as a sideboard. The published sideboards reflect the 104 number, which is the number used when calculating the total Amendment 80 sideboards at 555 mt. When the Rockfish Program was re-authorized, the Amendment 80 PSC allocation dropped to 84 mt (even before the 12.5% reduction), but the sideboard was not increased to bring the total number back to 214. That represents 24 tons of PSC sideboard lost to our sector and transferred to non-Amendment 80 vessels.

Amendment 80 sideboards are divided into 5 seasonal amounts, which are further divided between deep- and shallow-water complexes for a total of 10 separate sideboards. These are limits, not allocations, so access to PSC may be pre-empted by non-Amendment 80 bycatch. Unlike all other sideboard programs, including non-exempt AFA CVs, our sideboards do not roll from one season to the next. Any sideboard savings in one season have no benefit to our sector in future seasons; they simply roll to the non-Amendment 80 sector. There is no incentive to harvest below sideboard amounts. In addition, the fifth-quarter Amendment 80 sideboards are managed as separate deep- and shallow- water amounts, even though the overall fifth-season PSC amount is undifferentiated between the two complexes.

The combination of disjointed seasonal/complex sideboards and no rollover provision creates a perverse incentive for vessels to begin fishing as soon as a seasonal allocation is released, and to try to maximize target catch before the allocation is used up by other sectors. This is exactly the situation that Amendment 80 and similar programs were designed to prevent. Vessels are forced to fish when PSC is available, rather than when fishing conditions would be optimal. For example, rex sole typically school up in May and can be harvested with relatively low halibut bycatch rates; this is when our vessels would prefer to fish. However, the second season halibut PSC allocation is released April 1st and the season is often closed before the end of April because of bycatch in non-Amendment 80 fisheries. In this situation, vessels cannot make a rational choice and are forced instead to compete for bycatch before it is used up.

There are several ways that the Council could improve this situation. We recommend three, in decreasing order of preference.

1. Amendment 80/non Amendment 80 PSC sector split

Amendment 80 demonstrated what can be done when a sector receives a discrete allocation of limiting species (such as halibut in the BSAI). Prior to Amendment 80, our fisheries closed off and on throughout the year as PSC caps were reached. Under the new system, even though the actual amount of halibut available to the sector was reduced, we have never reached the cap.

We strongly recommend that the Council consider dividing the trawl halibut PSC limit between the Amendment 80 and non-Amendment 80 sectors to allow the same improvements to occur in the Gulf. The A80 sector has 100% observer coverage in GOA flatfish fisheries (200% in the Rockfish Program). The sector has demonstrated the ability to manage hard-cap TACs and PSC within the coops' contractual framework. The sector has also pioneered gear improvements from halibut excluders to modified trawl sweeps, and continues to work toward reducing both halibut catch and mortality. With a secure sector allocation, all of this can be brought to bear to minimize the halibut bycatch while better utilizing available TACs for flatfish in the GOA.

Alternative 2, Option 2, Suboption 3, revise to read:

- a) *Provide a sector allocation of halibut PSC to the Amendment 80 fleet based on Amendment 80 sideboards. All remaining halibut PSC will be available to non-Amendment 80 trawl vessels.*
- b) *Reduce the halibut PSC limit for the Amendment 80 sector by:*
 - i) *5 percent*
 - ii) *10 percent*
 - iii) *15 percent**of the existing sideboard amount(s)*
- c) *Reduce the halibut PSC limit for the non-Amendment 80 trawl sector by:*
 - i) *5 percent*
 - ii) *10 percent*
 - iii) *15 percent*

2. Manage Amendment 80 sideboards as a 'lump sum' catch limit

As stated above, the Amendment 80 sector has demonstrated the ability to manage hard-cap TAC and PSC allocations to minimize prohibited species catch while better utilizing available TACs in the Bering Sea and Aleutian Islands. This is not possible in the Gulf of Alaska because sideboards are divided between 5 seasons and 2 fishery complexes and are subject to a 'race for bycatch' with the non-Amendment 80 sector during each season. Vessels are forced to fish when a seasonal allocation is released, whether or not it is the optimal time for a fishery, because PSC will not be available later in the season since it is managed as a pool with the non-Amendment 80 vessels. Allowing the Amendment 80 sector to manage its PSC sideboard amount as a lump-sum will provide the flexibility to prosecute fisheries when and where flatfish are aggregated, when bycatch rates are lowest, to the extent possible while fishing off a bycatch pool shared with non-Amendment 80 vessels. The overall sideboard amount would be a hard cap, so no overages would occur; it would simply be managed within the sector to minimize bycatch rates while optimizing target fisheries.

Alternative 2, Option 3, suboption 3.3

Make the entire Amendment 80 sideboard amount available at the start of the year, with no seasonal or fishery complex caps. All fishing in the GOA by the Amendment 80 sector will cease when the overall halibut sideboard amount is reached by the sector.

3. Allow unused Amendment 80 sideboards to roll from one season to subsequent seasons

NMFS' interpretation of Amendment 80 sideboards is a 'use it or lose it' scenario for our sector. Any unused sideboards are available only to the non-Amendment 80 vessels. There is no reward for minimizing PSC use. Even under the Rockfish Program, any portion of the halibut allocation to this sector that is not used only rolls to later-season non-Amendment 80 sectors. This is unique to Amendment 80, unlike sideboard management for other rationalized fisheries, and should be changed.

Alternative 2, Option 3, suboption 3.4

Allow unused Amendment 80 halibut PSC sideboards to roll from each season to subsequent seasons.

4. Manage the fifth season Amendment 80 sideboards in combination, not divided between deep water and shallow water

The overall fifth season trawl PSC allocation is available for use in either deep or shallow water. Sideboards should be managed in the same way.

Alternative 2, Option 3, suboption 3.5

Manage Amendment 80 halibut PSC sideboards in the fifth season as an aggregate number not specific to shallow- or deep-water complexes.

Fifth season halibut PSC limits

Suboption 3.1 reads 'Apply the full trawl PSC limit reduction to the 5th season only'.

This suboption is nonsensical, unless the Council plans to codify not just the overall PSC limit but also the existing seasonal apportionments in the FMP – which would severely restrict the flexibility to address changing fishery conditions. The Council must have the ability to adjust the relative amount of halibut PSC that is allocated to each season and complex to address changes in TAC levels, halibut stock and bycatch rates, new regulations, ecosystem concerns, and so on. In the absurd, if the suboption is applied, the Council could choose to allocate 0 halibut PSC to the fifth season and essentially negate the reduction. The suboption makes no sense and provides no benefit.

If this suboption were applied under the existing seasonal allocation structure, it would unfairly penalize Central GOA fisheries. Since little groundfish fishing occurs in the Western GOA in the fifth season, those vessels would essentially be exempted from any PSC reduction and the entire burden would be felt by CGOA fisheries.

The suboption would also disproportionately impact Amendment 80 vessels, which operate under seasonal bycatch caps for both shallow and deep water complexes. Fifth season Amendment 80 sideboards (45 tons for shallow water complex and 74 tons for deepwater complex) represent over 21% of the total annual sideboards. The overall trawl PSC allocation for the fifth season (both Amendment 80 and non-Amendment 80) is 300 tons. A 15% reduction in the existing cap equals 300 tons, and applying it to the fifth would eliminate the entire fifth season allocation, which includes the Amendment 80 sideboards. *While this represents a 15% reduction for non-Amendment 80 vessels, it is a 21% reduction for Amendment 80 vessels.*

A smaller overall reduction would leave some PSC for the fifth season, but the reduced amount would exacerbate a 'race for bycatch' between Amendment 80 and non-Amendment 80 sectors.

In summary, we support the Council's stated intent to manage the overall halibut PSC cap in Gulf of Alaska groundfish fisheries through the GOA FMP rather than during the annual specification process. Our sector has already experienced over a 5% reduction in access to halibut PSC since Amendment 80 sideboards were implemented in 2008. Amendment 80 sideboards, as currently managed, are dysfunctional and encourage a race for bycatch while making it impossible for vessels to fish at the optimum times for highest target catch and lowest bycatch rates. The Council could address this problem through either a sector split of halibut PSC between Amendment 80 and non-Amendment 80 sectors, through specifying the sideboard as a 'lump-sum' amount at the start of the year, or by allowing the sideboards to roll from one season to the next as they do in other rationalized fisheries. The fifth season apportionment should be managed as a single sideboard number, not split between shallow- and deep-water. Finally, we recommend that the Council delete alternative 3.1, which would apply the entire cap reduction to the fifth season allocation, without further analysis as it simply does not make sense and could preclude the Council's ability to make adjustments to seasonal allocations in the future. Further, if implemented under status quo allocations, alternative 3.1 would only impact CGOA fishermen and would have a disproportionately high impact on the Amendment 80 sector.

Thank you for the opportunity to comment. We look forward to working with the Council toward the goal of better PSC management in the Gulf of Alaska to meet both the mandate to achieve optimum yield (National Standard 1) and reduce bycatch to the extent practicable (National Standard 9).

Sincerely,



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Executive Director

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January 24, 2012

Eric Olson, Chairman
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Re: Halibut PSC Limits

Dear Mr. Olson:

Thank you for the opportunity to comment on the North Pacific Fishery Management Council (the Council) decision to proceed with a review of Pacific halibut prohibited species catch (PSC) limits for the groundfish fishery of the Gulf of Alaska (GOA). The Council has recommended that NMFS maintain a halibut PSC limit of 2,000 metric ton (mt) for trawl gear and 300 mt for hook and line gear for GOA groundfish fisheries in 2012 and 2013. During this two-year period NMFS and the Council will consider implementing PSC reductions that range from five to fifteen percent through an amendment to the Fishery Management Plan (FMP) and an associated regulatory amendment.

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. Some 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 in Areas 2C and 3A for commercial and guided sport fishing, unguided sport fishing and subsistence. The different user groups have shared the burden of significant declines in exploitable biomass in recent years. There has been considerable acrimony about how to share that burden within affected user groups. But the halibut PSC limit has not changed since 1989. Further, the proposed PSC reduction levels in Alternative 2 are far less than the reductions faced by fishers in Areas 2C and 3A.

Therefore, TBC supports the effort to consider reductions in GOA halibut PSC but submits that the Council should consider more substantial PSC reductions during the process. In light of the significant uncertainties regarding the overall halibut biomass, the Council should work with NMFS to develop a mechanism for immediate PSC limit reductions until the agency and Council can develop a better understanding of the impacts of GOA removals. It is unfair to allow current bycatch levels to continue while all other sectors bear the considerable cost of conserving the resource. The proposed reduction levels do not correspond to the rate of decline of the exploitable biomass. They also do not respond to significant uncertainties regarding how the removals in the western and central GOA affect the long-term viability of the Area 2C and 3A commercial, sport (guided and unguided) and subsistence halibut fisheries. These uncertainties range from the effects to juvenile

migration, size at age, ocean acidification to questions about the accuracy of existing observer data. Magnuson Stevens Act regulations specifically mandate that NMFS adhere to a precautionary approach when faced with scientific uncertainties and a more cautious approach to halibut PSC is warranted here.

I. The Council Should Consider More Conservative PSC Limits

TBC requests that the Council reconsider the options for PSC limits under Alternative 2 and develop options that provide for more conservative PSC limits. The environmental assessment (EA) provides for two Alternatives. Alternative 1 retains the status quo and Alternative 2 provides for an amendment to the GOA Groundfish Fishery Management Plan (FMP) that would establish a regulatory process to setting halibut PSC limits.¹ Under Alternative 2, there are two options. Option 1 would retain the existing 2,000 metric ton (mt) trawl PSC limit but write the limit into regulation. Option 2 includes several sub-options that reduce PSC in trawl and hook and line fisheries between 5 and 15 percent.²

TBC submits that alternative options should provide for more substantial trawl PSC reductions that respond to halibut biomass declines and uncertainties about long-term effects and effects to other user groups. The trawl fisheries in particular have the highest overall PSC limit, have higher bycatch rates and less operational ability to reduce those rates. Therefore, it seems appropriate to impose a more significant share of the conservation burden on trawl fisheries for several reasons. :

First, the proposed PSC limits in Alternative 2 do not correspond to known declines in stock biomass. Recent IPHC recommendations have indicated a dramatic decline reflected in catch allowances for directed halibut fisheries. The 17 year average has been 32,336 mt but the catch limit in 2010 was 24,372 mt and declined by another 25% to 19,662 mt in 2011.³ This is a nearly 40% decrease. Area 2C has declined from 2,661 mt in 2010 to 1,409 mt in 2011 – a 45% decrease in one year.⁴ The October 11, 2011 problem statement recognized that a 50 percent decline in exploitable halibut biomass over the past decade resulted in corresponding declines in directed commercial fisheries in Areas 2C, 3A and 3B.⁵ The Area 2C guided sport halibut fishery has also experienced a similar reduction in its Guideline Harvest Level (GHL).⁶ At a minimum, the Council should consider trawl PSC limit reductions that correlate to declines in harvests for other fishers.

Second, there are a number of significant uncertainties regarding the long-term sustainability of the halibut resource. There is partial observer coverage for a substantial portion of the groundfish fleet but none for the catcher vessels under sixty feet.⁷ As noted in the EA, there is an “imprecise understanding of actual catches in GOA groundfish fisheries.”⁸ The IPHC’s recent harvest rate reductions in area 3B reflect an inadequate knowledge of bycatch mortality as a source of uncertainty in understanding stock dynamics and

¹ Initial Review Draft GOA Halibut PSC Limit at 3.

² *Id.* at 17-18.

³ 76 Fed. Reg. at 79633 (December 22, 2011).

⁴ *Id.*

⁵ Initial Review Draft GOA Halibut PSC Limit at 3.

⁶ *Id.*

⁷ International Pacific Halibut Commission, 2011. Effect of reducing bycatch limits in the Gulf of Alaska on the halibut exploitable biomass and spawning potential, including downstream effects from halibut migration at 2-3. March 2011.

⁸ Initial Review Draft GOA Halibut PSC Limit at 100.

determining appropriate yield.⁹ It seems likely that fishery managers have underestimated previous removals due to the low level of coverage and observer bias effects. If so, it is reasonable to hypothesize that that previous PSC removals have had and will continue to have a substantial impact on exploitable biomass decline.

Finally, it does not seem appropriate to have no alternative that provides for consideration of immediate opportunities to reduce GOA halibut PSC. The implementation schedule indicates that a final rule may not be in place until the 2014 season.¹⁰ Until then, the Council has recommended that NMFS maintain the 2011 limits of 2,000 mt for trawl gear and 300 mt for hook and line gear for the 2012 and 2013 groundfish fisheries.¹¹ In light of the significant uncertainties and conservation burdens borne by other fishers, the Council should seek to ensure that PSC limit reductions occur pending adoption of the proposed amendment. TBC submits that NMFS and the Council must consider a mechanism that minimizes bycatch sooner rather than later.

II. Environmental Assessment

A. The Council Should Acquire Additional Studies Pertaining to Bycatch and Downstream Migration Effect and Other Scientific Uncertainties

TBC has reviewed the EA and notes that the general tenor of the discussion is rather equivocal with regard to downstream migration effects. The Council should request that NMFS work with the International Pacific Halibut Commission (IPHC) to further develop the evolving scientific understanding of this issue prior to allowing current or even slightly reduced PSC limits to continue.

Previous approaches to determining the effects of bycatch on directed fisheries have assumed that the impacts would primarily occur in the area where the bycatch occurred.¹² An extensive tagging program has refuted that assumption.¹³ Scientists now recognize that U32 bycatch mortality impacts areas outside the location of the bycatch.¹⁴ Assuming a migratory model, it is a concern that Area 3A harvest data suggest a downward trend that may result in the designation of Area 3A as an area of particular concern.¹⁵ Area 3A "sits at the current center of halibut distribution and it appears that emigration is roughly equal to immigration."¹⁶

TBC's particular concern here thus pertains to uncertainties regarding how halibut bycatch may impact multi-sector fishery harvests in Areas 2C and 3A and the stability of affected communities. Overall, the current biomass level for Area 2C is the lowest on record and 60% lower than the highest level.¹⁷ The recent declines in harvest in these areas have had significant negative economic effects. NMFS and the Council are fully aware that divisive and

⁹ International Pacific Halibut Commission, 2011. Effect of reducing bycatch limits in the Gulf of Alaska on the halibut exploitable biomass and spawning potential, including downstream effects from halibut migration at 2-3. March 2011.

¹⁰ Initial Review Draft GOA Halibut PSC Limit at xviii.

¹¹ 76 Fed. Reg. at 79630 (December 22, 2011).

¹² 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.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Initial Review Draft GOA Halibut PSC Limit at 101.

¹⁶ *Id.*

¹⁷ *Id.* at 51.

destabilizing allocation battles have compounded the negative economic effects on community stability.

This is a significant concern because it seems likely that continued high PSC levels in the GOA may have a significant negative impact on a critical component of the southeast Alaska economy. Southeast Alaska ports such as Juneau, Petersburg and Sitka are among the top ten Alaska IFQ ports.¹⁸ As the EA points out, "the halibut industry provides opportunity for consistent employment as well as a continuous market supply of an excellent food product recognized worldwide."¹⁹ For charter operations, over the past five years regulations have reduced a two fish bag limit of any size, to a one fish limit of any size to a one fish limit of less than 37 inches.²⁰ TBC respects conservation measures deemed necessary to protect the long-term sustainability of the halibut resource and did not oppose the one fish bag limit. But some of TBC's clients would like to catch fish larger than 37 inches, and some clients would appreciate the opportunity to catch two halibut.

It seems highly possible that the current high PSC limit for the trawl fishery is part of the reason TBC clients who enjoy sport fishing do not get those opportunities. It also seems highly possible that the high PSC limit bears some responsibility for the allocation issues that negatively impact community stability. In sum, the Council's commendable effort to take on halibut PSC should involve the development of a better understanding of downstream migration. The Council should plan to manage trawl PSC cautiously in the interim as a matter of equity to other halibut resource users.

B. The Council Should Take a Broader View of the Economic Impacts of the Alternatives and Incorporate Costs to Other Halibut Resource Users

The amendment process should also involve a more thorough analysis of economic impacts that fully incorporates realized and prospective losses by other halibut resource users. TBC finds it necessary to address the economic analysis in both the EA and the Regulatory Impact Review (RIR) in order to reinforce the serious concern that high levels of halibut PSC in the trawl fisheries have already accounted for millions of dollars in losses to affected communities. The explanations given in the EA and RIR for ignoring this issue were not satisfactory and the Council and NMFS need to develop a means to account for real losses to other sectors as you move forward with the PSC limit process.

In general, both the economic impact analysis in the EA and in the RIR measure the cost of the PSC limits to GOA groundfish fisheries in terms of significant foregone gross revenues through a retrospective analysis. But conversely, the discussion seems to marginalize benefits to other resource users in terms of prospective halibut "savings" and entirely ignores the real costs of reduced access to the resource. These measurements yield an unfair comparison of impacts to the respective user groups and further rely on a number of unsupported assumptions. Further environmental analyses would be improved with a more thorough and fair consideration of impacts to other users, including a retrospective look at economic losses to directed sport and commercial halibut fisheries that resulted from past PSC in the GOA groundfish fisheries.

In particular, the underestimation of costs to other resource users is a significant flaw. There may be uncertainty about who would benefit from savings in actual numbers of

¹⁸ *Id.* at 54

¹⁹ *Id.*

²⁰ *Id.* at 55

halibut and where those savings occur. But the reported PSC take from 2003 – 2010 was 15,984 mt.²¹ Those fish would have likely increased in weight considerably as they migrate into other fishery areas. Consequently, this was also foregone revenue – at least an entire season's worth for all the directed fisheries.

The Council should thus address the considerable uncertainty about how past PSC has impacted past 2C and 3A fisheries and work with NMFS to provide equivalent information regarding economic losses suffered by various user groups. It then should discuss the long-term implications of the uncertainties regarding reduced yield and reduced spawning biomass and how these factors may affect downstream fisheries in the future. Without this information, it is impossible to make a fair decision because the economic analysis provided compares millions of dollars in losses to the groundfish sector with gains of a few hundred thousand dollars to 3A fisheries.

This misleading picture of economic impacts resulted in several questionable assumptions in the EA. With regard to the analysis of Alternative 1, the EA states that “[i]t is assumed that maintaining the status quo will not by itself change the economic state of commercial halibut IFQ fishermen, guided sport businesses, the guided angler’s consumer surplus, or the communities they impact.”²² Further, “[w]hile the amount of halibut available to these sectors has declined, especially in Area 2C, those declines are a result of factors other than changes in the overall hook-and-line and trawl PSC limits.”²³

As pointed out in our discussion in Section II.A., it is now widely understood that halibut PSC in GOA groundfish fisheries does have downstream effects. As the amendment process moves forward, the Council and NMFS need to give more consideration to incurred losses in other sectors and to downstream impacts. The biological impacts of halibut PSC mortality are: “1) reduced yield due to reduced recruitment and mortality of adults; 2) out of area or “downstream” impacts where halibut removals in one area reduce recruitment and yield in another area; 3) reduced spawning biomass and egg production.” These issues affect both the prospective allocation to other fishers and the prospective harvest rate. All of these findings point to the conclusion that reductions under Alternative 2 would seem likely to improve opportunities to all Area 2C fishermen to a much greater extent than indicated in the EA. These conclusions need to be revisited and respond to an improved environmental and economic analysis.

C. Section 3.9: Bycatch Estimation

TBC submits that the Council should seek to resolve some of the questions surrounding the accuracy of the halibut PSC estimates with a more comprehensive observer and monitoring program. The discussion in the EA was very equivocal with regard to the accuracy of the catch accounting system. Section 3.9.1 discussed the North Pacific Groundfish Observer Program which generally covers vessels greater than 60 feet in length overall (LOA).²⁴ Vessels larger than 125 feet must have constant observer coverage and vessels between 60 feet and 125 feet LOA must carry observers on 30 percent of their fishing days.²⁵ The majority of the vessels fishing GOA groundfish fit within the 30% observer coverage category.²⁶

²¹ *Id* at 144.

²² *Id* at 102.

²³ *Id*.

²⁴ *Id* at 108.

²⁵ *Id*.

²⁶ *Id*.

The EA explained that information obtained from the observer program constitutes "the only at-sea discard information available to estimate mortality of halibut in Alaska groundfish fisheries."²⁷ Further, this data "is assumed to be representative" of vessel activity and is thus the primary data used in management analysis, stock assessment and in-season forecasting.²⁸ The EA explained that

The current catch estimation methodology employed by NMFS in the CAS and Observer Program constitutes the best available science for data collection. Observers are currently the only reliable method through which PSC data can be collected in the North Pacific groundfish fisheries.²⁹

But then the EA acknowledges that there are significant questions as whether "the only reliable method" for collecting data is actually reliable. Section 3.9.4 in particular raises but fails to answer questions regarding the accuracy of the data collected from the monitoring program. It notes that proposed new methods would reduce bias arises from an observer deployment effect, and bias that arises from non-representative spatial and temporal distribution of observed catch.³⁰ It adds that "[t]he ability for NMFS to assess the statistical reliability of CAS is hampered by the current non-random placement of observers on vessels less than 125 feet, unknown consequences of post-stratification of observer information in CAS, unknown bias associated with imputation methods."³¹ The section concludes by noting that there have been evaluations of sampling methods, but then fails to disclose the results.

The explanation of the limitation of the observer program requires more clarity and particularly a more thorough discussion of how the data is biased. The discussion in the EA cites a number of studies regarding observer bias but does not discuss the results or conclusions from those studies. TBC's summary review of the literature suggests that observed trips have markedly different bycatch results and that data checking suggests considerable under-reporting of bycatch levels.

Given these concerns, it appears more likely than not that existing observer data may yield a considerable under-estimation of actual halibut PSC in GOA groundfish fisheries. Under these circumstances, the best approach is for NMFS and the Council to mandate 100 percent observer coverage for a year in order to acquire accurate baseline data. It is clear that the ability to mandate this level of coverage in the Bering Sea existed and a similar effort should occur here.³² TBC adds that there should be some sort of verification monitoring component to improve the accuracy of the data. This effort is practicable and conforms to management responsibilities under NEPA and National Standard 2's requirement that conservation and management measures be based on the best scientific information available.

IV. Magnuson Stevens Act National Standards

National Standard 9 requires that "[c]onservation 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."³³ TBC's submits that the Council should reconsider the relevant factors used in determining consistency of the proposed PSC limit with National

²⁷ *Id.*

²⁸ *Id.* at 108 - 109.

²⁹ *Id.* at 110.

³⁰ *Id.*

³¹ *Id.*

³² 50 C.F.R. § 679.50.

³³ 50 C.F.R. § 600.350(a).

Standard 9. The EA did not demonstrate that there was adequate consideration of negative impacts on affected stocks, of short and long-term impacts to directed fisheries and of non-market and recreational values.³⁴

It is particularly important for the Council to revisit National Standard 9 implementing regulations at 50 C.F.R. § 600.350(d)(3)(ii). That provision directs Councils to adhere to a precautionary approach when there is uncertainty regarding how a management measure relates to factors that range from population effects for the bycatch species to changes in the distribution of benefits and costs and social effects. The basic principle embodied in the precautionary approach lies in the recognition that scientific certainty often comes too late to design effective management responses to environmental changes. Essentially, it transfers the burden of proof necessary for triggering a management response from user sectors who wish to reduce bycatch to user sectors that wish to continue current bycatch levels. TBC does not think that the proposed alternatives adequately reflect a precautionary approach and neither the status quo nor the low levels of proposed PSC limit reductions are consistent with the standard.

TBC recognizes that the Council has had to struggle with equity between user groups as part of regulating halibut PSC. But it still does not appear that there has been an adequate consideration of National Standard 8 in terms of impacts to halibut dependent communities. National Standard 8 requires that "[c]onservation and management measures shall, consistent with the conservation requirement 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 based on the best scientific information available, 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."³⁵ Every halibut that escapes the GOA groundfish fleets will make a difference to communities that already face severe restrictions. Because the economic analysis failed to fully account for impacts to sport and directed fishery sectors, there is not enough information to assess the extent to which the Council and NMFS have considered National Standard 8 as it applies to communities that range from Homer to Sitka. A plan to maintain the status quo for two years and plans for slightly improved limits in the long-term respond more to the needs of industrial fisheries than to actual fishing communities. Further consideration of the PSC limits needs to address this issue.

Finally, the Council should reconsider the balance between National Standard 9 and National Standard 1 that requires conservation measures to achieve optimum yield. Again, there has been an inadequate consideration of optimum yield for halibut fishers. Further, the chosen cap is weighted more toward achieving groundfish quotas than it is toward reducing bycatch levels. Under National Standard 1, the optimum yield standard must be achieved over the long run, but need not be attained with precision every year. The Council and NMFS need to re-assess this balancing and ensure that bycatch is truly minimized to the extent practicable.

IV. The Council and NMFS Should Revise the Regulatory Impact Review

The RIR should be an objective assessment of costs and benefits of regulatory measurements in terms of both quantifiable and qualitative measurements. But overall, the initial RIR did not demonstrate a concerted effort to recognize and quantify the lost opportunity costs to sport and directed fisheries that have occurred and continue to occur as a result of GOA

³⁴ 50 C.F.R. § 600.350(d).

³⁵ 16 U.S.C. § 1851(a)(3).

halibut removals. The RIR stated that it would take additional work to develop models that would determine the value of lost fishery opportunities to IFQ holders and guided sport sectors.³⁶

Instead, the RIR applied two "simplified approaches" to consider the economic effects. First, benefits to directed halibut fisheries and sport sector fisheries were calculated in terms of gross revenue increases associated with the amount of halibut saved each year through various levels of reduction in the PSC limit.³⁷ The RIR explained that "gross revenue is not an appropriate measure to determine changes in benefits" but it allows for the agency to identify limits in benefits.³⁸ The RIR then cautioned against making direct comparisons "between potential revenue increases in direct halibut fisheries and projected gross revenue foregone in the groundfish fishery because the estimates were made using different methodologies and assumptions."³⁹

The discussion then indicates that a reduced PSC limit "is unlikely to have an impact on the GHL in the near term" but could be impacted in the long term as multiple years of savings compound the benefit.⁴⁰ However, NMFS declined to provide these results because the results may be misleading.⁴¹ In particular, the RIR projects only a marginal benefit for Area 2C. The RIR acknowledged that these estimates are likely understated due to the failure to account for halibut migration patterns.⁴² The explanation was that including that information "was beyond the scope of this analysis, given the complexity and time required to build that information in the estimates."⁴³

But then for the groundfish fleets, costs are measured through a retrospective analysis that looks at foregone revenues associated with the PSC limit, and assesses those costs in terms of alternative levels of PSC reduction. Figures provided for the groundfish fisheries indicate annual losses in the millions of dollars at various levels of PSC limit reductions that in some cases could reach \$15 million viewed retrospectively.⁴⁴

The chosen methods of comparing significant costs to one fleet with minimal benefits to another yielded arbitrary results that in effect created a bias toward allowing for high PSC limits for GOA groundfish fisheries. This was unfair and the "additional work" needed to determine lost fishery opportunities to guided sport sectors and directed commercial fisheries must be done.

TBC recognizes that there are challenges involved in calculating the economic value of sport caught fish. But remarkably, the RIR did not even attempt to quantify the value of the guided sport fishery to affected communities. The economic value of sport fishing opportunities must be considered and balanced against the value of a fishery that discards these valuable fish. TBC's clients spent \$4.5 million in 2011 visiting southeast Alaska and caught 149 halibut with an average weight of 13 pounds. This equates to a value of over

³⁶ Initial Review Draft GOA Halibut PSC Limit at 157.

³⁷ *Id.*

³⁸ *Id.* (adding that to complete the analysis, additional information regarding the guided fleets costs, revenues, and actual increase in catch would be needed, as well as the consumer surplus of charter clients, as well as cost and revenue information for the IFQ fleet and processors).

³⁹ *Id.* at 194.

⁴⁰ *Id.* at 161.

⁴¹ *Id.*

⁴² *Id.* at 165.

⁴³ *Id.*

⁴⁴ *Id.* at 194-195.

\$2,000 per pound, meaning that at this rate the discarded 2000 mt of halibut from the trawl fisheries could represent a loss of hundreds of millions to local economies. TBC's tours involve much more than sport fishing, but the point is that NMFS needs to seek out readily available information about the economy of halibut fishing. Visitors to southeast Alaska spend thousands of dollars individually as part of a trip before a halibut is caught. Similarly, commercially caught halibut generates income well beyond its ex-vessel value in ripple effects and benefits several economic sectors before it reaches the dinner plate of a consumer. In essence, the sport fishery generates millions in visitor expenditures before a fish is even caught and the directed commercial fishery generates millions in consumer expenditures after it is caught. When halibut are caught as trawl bycatch, they generate nothing.

Complete economic information is critically important and the analysis done thus far appears to be heavily weighted in favor of the concerns of the profitability of industrial fisheries. It states the losses to these industrial fisheries in millions yet ignores the millions of dollars already lost to other economies. This is unfair and ignores real impacts to communities and the overall health of the halibut resource.

V. Conclusion

TBC fully supports efforts by the Council to move forward with addressing the PSC limit but submits that the environmental analysis does not adequately discuss the full costs and benefits to each user sector. As a result, the alternatives considered do not provide the public with the opportunity to review more stringent PSC limits that appropriately respond to uncertainties about the halibut resource, impacts to downstream users and the requirements of National Standards 1, 8 and 9. Under these circumstances, in the near term, the Council and NMFS should work to achieve an immediate reduction in the halibut PSC limit for 2012 and 2013. With regard to long-term guidance, the Council should consider more stringent limits after obtaining a more complete picture of baseline bycatch data and seeking out additional scientific work that addresses some of the uncertainties regarding the halibut resource.

Sincerely,

Paul C. Olson

Paul Olson



January 23, 2012

Mr. Eric Olson, 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
Gulf of Alaska halibut bycatch

Dear Chairman Olson, Dr. Balsiger, and Council Members:

The North Pacific Fishery Management Council (NPFMC) must take action to reduce the overall amount of halibut—more than 5 million pounds of mostly young fish—wasted each year as bycatch by the Gulf of Alaska federal groundfish fisheries. We urge you to select the preliminary preferred alternative identified in the Environmental Assessment that would reduce the halibut prohibited species cap (PSC) by at least 15 percent.

The Pacific halibut (*Hippoglossus stenlopi*s) is an awe-inspiring fish and an important part of the ocean ecosystem. Growing to over 400 pounds, it is one of the largest fishes in the world that is not a shark, and it occupies a position near the top of the food chain. Pacific halibut are highly valued as an important source of food for Alaska's coastal communities; and halibut support valuable commercial, sport, and charter fisheries. In this way, the Pacific halibut population is fully allocated, if not over-allocated, to various user groups. One of the most wasteful results of this management practice allows bottom trawl fisheries targeting low value fish to be essentially subsidized by being authorized to kill halibut—a high value fish—as bycatch.

The Council's advice is crucial for NMFS to fulfill its responsibility to manage halibut PSC limits and meet the requirements of National Standard 9 to minimize bycatch. The NPFMC demonstrated leadership and foresight over 30 years ago when it designated halibut as "prohibited species." This action and the similar designations for salmon, herring, and crab, did much at that time to protect those species from industrial groundfish fisheries. The first amounts of halibut bycatch allocated to the trawl fleets were low. In 1979, for example, the halibut bycatch cap for the domestic trawl fisheries was 81 mt. However, in 1984, the NPFMC greatly relaxed this trawl cap, increasing the limit to 1,038 mt. By 1986, the NPFMC had further increased the cap to 2,000 mt. There has been no meaningful reduction in the halibut cap since then.

One of the most egregious bycatch-subsidized fisheries is the "shallow-water flatfish" fishery in the Gulf of Alaska. The "shallow-water flatfish" fishery is probably the most non-selective, dirtiest bycatch fishery that you manage. This fishery uses bottom trawls to try to target rock sole and butter sole, and between 2003 and 2010, it retained an average of 6,335 mt of those

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species¹. To catch that 6,335 mt of flatfish, an estimated average of 1,115 mt of bycatch was discarded, injured or dying². Most wastefully, 587 metric tons of that bycatch on average, was dead Pacific halibut³.

Particularly given the current controversy over halibut allocation, the waste in this dirty fishery must be stopped. In 2010, the "shallow-water flatfish" fishery included 24 trawl catcher vessels⁴. Each of those 24 boats, on average, delivered 231 metric tons of flatfish. Along the way, each also killed an estimated 18 metric tons of halibut. Even more regrettable is that most of those halibut were juveniles. The dead biomass of halibut is a shameful waste, and looks even worse when examined as numbers of individual halibut. In 2010, each shallow water trawl vessel killed an estimated 5,000 juvenile halibut (assuming an average size of 8 lbs). Those juvenile halibut were killed before they could become spawners or contribute to the commercial, personal use, subsistence, tourism charter boat, or sport catch. The effect of this bycatch on the halibut stock is that it reduces recruitment, spawning biomass, and yields from the other halibut fisheries.

The shallow-water flatfish fishery just does not make economic sense. A typical ex-vessel value paid for the shallow-water flatfish complex was less than \$0.22/lb⁵, making the average ex-vessel value of the catch \$1,393,700. To make that catch, 1,297,270 lbs (587 mt) of halibut were killed as bycatch. The 2010 ex-vessel value for halibut was \$4.80/lb⁶, giving a rough estimate of wasted halibut value of \$6,225,896.

It is important to note that the true extent of the bycatch of the shallow-water flatfish fishery, including the estimate of halibut mortality, is not known exactly. The estimates are based on an imperfect system of voluntary logbook reporting, catch deliveries, and limited observation by observers. In 2010, less than 1% of the shallow-water flatfish catch was sampled by observers⁷. This appears to be a low proportion of catch compared to most other groundfish fisheries. It is difficult to gauge the error around the bycatch estimates for this fishery but it is possible that the bycatch could be much higher than is reported. Testimony by members of the public during the Observer Program Restructuring noted changes in vessel behavior in some fisheries when an observer was on board, particularly if having a fisheries observer on board was a rare or infrequent event for the fishery. Clearly, the shallow water flatfish fishery needs to be better observed and we urge that this be addressed during the upcoming restructuring of the observer program. In the meantime, the NPFMC should reduce the halibut PSC as a precautionary

¹ Table 4.18 INITIAL REVIEW DRAFT Environmental Assessment/Regulatory Impact Review/ Initial Regulatory Flexibility Analysis to Revise Halibut Prohibited Species Catch Limits, January 12, 2012

² Unpublished data obtained from NMFS

³ Table 4.19

⁴ Table 4.22

⁵ Table 19, Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for Proposed Amendment 86 to the Fishery Management Plan for Groundfish of the Bering sea/Aleutian Islands Management Area and Amendment 76 to the Fishery Management Plan for Groundfish of the Gulf of Alaska, Dec 2010.

⁶ http://www.adfg.alaska.gov/static/fishing/PDFs/commercial/10exvessel_byspecies.pdf

⁷ Turnock, B., T. A'mar, and T. Wilderbuier. 2011. Assessment of the Shallow-water Flatfish Complex in the Gulf of Alaska for 2012, Table 4.A.2.

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measure and assume that the bycatch estimates are minimum estimates that are potentially biased downwards.

The shallow-water flatfish fishery on average takes up to 29% or more of the halibut prohibited species trawl allocation for the entire Gulf of Alaska groundfish trawl fishery. To be most cost-effective, the halibut prohibited species cap reductions should come out of the dirtiest fishery, that is, the fishery that is killing the most halibut per unit of targeted catch. The NPFMC must make an effort reduce halibut bycatch and reduce the halibut prohibited species trawl cap by at least 15 percent. The most cost-effective way to do this is to take most of that 15% out of the halibut allocated to the shallow-water flatfish fishery.

A 15 percent reduction in the halibut prohibited species cap would not significantly affect communities. The relatively low participation of the trawl fleet in the shallow-water flatfish fishery, and the low proportionate reliance of individual vessels in this fishery means that the NPFMC can take action to reduce halibut bycatch while minimizing economic impacts to the groundfish fishery. As described in the EA RIR/IRFA: *In general, adverse community-level impacts are not likely to be significant for any of the involved communities and the sustained participation of these fishing communities would not be put at risk by any of the proposed Gulf halibut PSC revision alternatives being considered... Additionally, there is the potential for community-level beneficial impacts to result from the proposed Gulf halibut PSC reductions.*⁸

Optimum Yield for the Gulf of Alaska groundfish fishery must take into account both ecological and economic considerations and should consider the subsidized waste associated with the shallow-water flatfish fishery. In the short term, we urge the Council to reduce the halibut prohibited species cap in the Gulf of Alaska by at least 15 percent. In a trailing amendment, we strongly encourage the Council to develop a discussion paper on ways to implement a bycatch cap that reduces bycatch and is responsive to spatial concerns and trends in the halibut population. Similarly, the halibut prohibited species cap in the Bering Sea/Aleutian Islands needs to be reduced and must be put on an expedited NPFMC timeline for action.

We look forward to continuing to work with you to help solve this problem.

Sincerely,



Susan Murray
Senior Director, Pacific
Oceana

⁸ Pg. xxii, Executive Summary, INITIAL REVIEW DRAFT Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis to Revise Halibut Prohibited Species Catch Limits, January 12, 2012



January 31, 2012

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

Re: Agenda Item C-2(b) GOA Halibut PSC

Dear Chairman Olson and members of the Council,

The Alaska Marine Conservation Council (AMCC) appreciates the opportunity to comment on the issue of halibut PSC limits in the Gulf of Alaska (GOA). We appreciate the Council's work on this important issue. While we understand and support the Council's decision to pursue these reductions as a regulatory amendment rather than through the TAC setting process, we remain concerned that while halibut fisheries take drastic cuts on an annual basis in response to declining halibut stocks, halibut bycatch continues unabated at the current level, and has not changed in decades. It is imperative as a matter of conservation and equity that the Council takes action now to reduce the halibut PSC limits and we urge you to move this action item forward for final action in June 2012 at the latest. If reductions in halibut bycatch will not be in place before 2013, we ask you to implement reductions through the TAC-setting process for 2013 to ensure that bycatch is reduced expeditiously.

Over the last decade, the exploitable biomass of halibut declined by 50% in the GOA regulatory areas 2C, 3A and 3B. Halibut catch limits in the commercial fishery have declined with the stock— since 1986, the commercial catch limit for the GOA halibut fishery has been reduced 63%. And these declines in commercial catch limits are continuing. The 2012 IPHC adopted catch limits represent a decline of 18% from 2011 catch limits coastwide. The unguided sport fishery in Area 2C has also seen declines in their GHLL and has faced restrictions for years. Overall, total removals of halibut are at their lowest level since 1996.¹

In the same time period in which GOA halibut fisheries have declined by 63%, PSC limits for the groundfish fisheries who catch these same halibut have not been changed since they were implemented in 1986 (with the exception of hook and line fisheries whose limit was reduced in 1996). This bycatch has a direct impact on both the halibut stock and commercial catch limits. According to an analysis conducted by the IPHC, "the benefit to the directed halibut fishery is slightly greater than the amount of any PSC limit

¹ North Pacific Fishery Management Council, Initial Review Draft Environmental Assessment/Regulatory Impact Review/Initial Regulatory Assessment to Revise Halibut Prohibited Species Catch Limits, January 12, 2012 at 27 [hereinafter EA/RIR/IRFA].

reduction. Increases in total female spawning biomass would be on the order of twice any trawl PSC reduction and approximately equal to any hook-and-line PSC reduction.”² The portion of the trawl fishery bycatch which is over 16 inches is directly deducted from the halibut fishery constant exploitation yield (CEY), therefore any deductions in this size class of fish could be available immediately to other sectors. As important, however, is the bycatch of small, under 26 inch (U26) halibut. While these halibut would not be available immediately for harvest in the commercial fishery, if not harvested as bycatch they can mature and contribute to the spawning biomass of the stock, increasing yield over time. According to the IPHC, including the U26 component, “the cumulative increases in FSbio resulting from any PSC limit reductions amount to just great than 215% of any trawl PSC reductions and a bit over 125% of any hook-and-line PSC limit reduction.”³

In examining this issue, it is critical that the Council does not view this as simply a matter of economic balancing of costs and benefits. The Regulatory Impact Review (RIR) presents extensive data on the costs to the groundfish fisheries and benefits to the halibut fishery. The analysis itself is very clear that these numbers cannot be compared:

No direct comparisons are made between potential revenue increases in the directed halibut fisheries and the projected gross revenue foregone in the groundfish fisheries, attributable to the proposed action. Those estimates were made using different methodologies and assumptions, and as such, *direct comparisons would be inappropriate and may generate misleading conclusions* [emphasis added].

In fact, the current methodology used in the RIR presents a low estimate of benefits to halibut fisheries and a high estimate of costs to groundfish fisheries. This presents a skewed image of the relative costs and benefits to the action. It is unclear how this information can be utilized by the Council and the public, and at worst presents a severely misleading portrayal of the relative benefits of the action.

In particular, estimates of benefits to the commercial IFQ sector and charter sector are lower bound estimates, and in fact benefits to the halibut stock and to halibut fisheries may be significantly greater. The Environmental Assessment, in assessing impacts to the halibut fishery, does not take into account the increases in exploitable biomass which are realized by reducing bycatch of the U26” halibut: “Estimates for future years are not provided because growth rates would need to be applied to the U26” halibut and they would need to be added to the exploitable biomass when they reach exploitable size.”⁴ In addition, migration is not factored into the benefits, therefore benefits are likely higher in some areas such as 2C and lower in other areas. If the information in the RIR is to be utilized in Council-decisionmaking this additional work should be done to show a more

² Steven R. Hare et. al. Potential yield and female spawning biomass gains from proposed Pacific halibut prohibited species catch limit reductions in GOA groundfish fisheries. In EA/RIR/IRFA, Appendix 5 at 37.

³ *Id.* at 43.

⁴ EA/RIR/IRF at 162.

realistic approximation of the potential benefits to the halibut fisheries and halibut-dependent communities.

Estimates of costs to the groundfish fisheries, on the otherhand, are likely high estimates. The analysis assumes in making these estimates that behavior will not change, and a lower PSC limit will simply shut the fishery down. In reality, when faced with a lower PSC limit fleets may be able to change behavior, and/or gear to avoid hitting the PSC limits, thereby minimizing the amount of revenue lost.

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 GOA groundfish fisheries immediately. 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 keep taking huge hits in their catch limits while bycatch limits remain stagnant. We urge the Council to comply with National Standard 9 of the Magnuson-Stevens Act and continue its legacy of sustainable management by acting expeditiously to reduce halibut PSC limits by the maximum amount possible.

Thank you for your continued attention to this important issue.

Sincerely,

Theresa Peterson
Kodiak Outreach Coordinator
Alaska Marine Conservation Council