

January 26, 2016

Re: Letter of support for C5 EFP application

To Whom It May Concern:

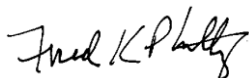
I am the Executive Director of the Bering Sea Elders Group (BSEG) and I also serve as the Co-Chair of the Chaninik Qaluyat Nunivak Working Group (CQN Working Group). As the Co-Chair, I speak for the five members of the Working Group who are from communities in Western Alaska. I write to you today express our support for the C5 EFP application for deck sorting.

BSEG and the Association of Village Council Presidents (AVCP) have worked together for a number of years to negotiate with the Alaska Seafood Cooperative about issues regarding the Nunivak Island-Etolin Straits-Kuskokwim Bay Habitat Conservation Area boundary and halibut bycatch. The three organizations negotiated for the better part of two years and in late 2012, we reached a voluntary agreement that established the CQN Working Group.

The CQN Working Group is comprised of ten members total – five from the Alaska Seafood Cooperative and five representing BSEG, AVCP, and villages in the area. The purpose of the CQN Working Group is to provide the opportunity for a productive yellowfin sole fishery while minimizing the impact of that fishery on the way of the life of the people who use the region to maintain our economic, nutritional, and cultural wellbeing, and to work to reduce the impacts of the yellowfin sole fishery over time, as guided by research, traditional knowledge, and best available technology and fishing practices. Our five members come to the CQN Working Group to protect our traditional ways of life, the ocean web of life that supports the resources we rely on, and our children's future.

The CQN group meets twice yearly and has worked towards saving halibut in the Kuskokwim Bay area. The C5 EFP application for deck sorting is one tool to potentially help in these savings. We are in full support of this EFP application. In addition to the potential for halibut savings, the CQN Working Group was the brainchild for a project that was dually funded by NPRB and SK that would tag 160 of these deck sorted halibut to look at survivability. This project will give us a more complete picture in to the deck sorting process which could have significant impacts on halibut bycatch numbers.

Sincerely,



Fred Phillip

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January 26, 2015

Mr. Dan Hull, Chair
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

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

RE: C5 Halibut Deck Sorting EFP

Dear Chairman Hull, Dr. Balsiger, and Council Members,

Thank you for providing an opportunity for review and public input on the December 2015 exempted fishing permit (EFP) application to “to continue research on ways to reduce halibut bycatch mortality rates in non-pollock catcher-processor trawlers through modifications [of]catch handling procedures” by the Amendment 80 bottom trawl fleet. Oceana supports the efforts to reduce halibut bycatch in trawl fisheries. This EFP, however, seeks to develop methods to reduce point estimates of the halibut mortality potentially estimated by observers. The EFP does not propose to investigate methods that would reduce halibut bycatch, and in fact, the methods may lead to an increase in the number of halibut that are caught and discarded in the trawl fisheries. We are, however, encouraged that the EFP applicants are no longer seeking to exceed the TAC/PSC of Pacific halibut within a test fishery.

There are several issues with the current EFP application regarding the efficacy of the scientific study design, assigning a set discard mortality rate (DMR) to halibut sampled in the factory versus those sorted and sampled on deck, potential loopholes that may be opened with regulation exemptions, and the omission of discussion of the cumulative effects of handling stress/injury on halibut across the multiple fisheries that occur within the EBS.

A product of the proposed EFP is a report including a comparison of halibut mortality using the EFP method (deck sorting) versus the standard operating procedure on other vessels. However it is unclear the study design can make such a comparison. For scientific integrity, a clear sampling method and statistical analysis should be determined and described. In the same vein, the EFP report hopes to evaluate the effectiveness of halibut holding tanks on reduced killer whale depredation, but again there is no study design or statistical analysis planned to compare killer whale effects on EFP participant vessels and other vessels.

While there is merit in assessing DMRs for deck-sorted halibut for each haul, broadly assigning 90% mortality rate to factory-sampled halibut may underestimate mortality. Factory-specific DMR should be assessed during each haul using the IPHC viability method. Also, the 2016 EFP includes a crew census of factory-sampled halibut after the observer has sampled them, which increases the handling time of the halibut and may increase their mortality rate after the rate has

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already been assigned and recorded by observers. This inherently sets up the sampling design to underestimate DMR.

Another concern is the option to sample halibut bycatch normally instead of on-deck for reasons other than safety. Opting out of deck sampling in areas deemed to have “very low” halibut bycatch compromises the scientific credibility of the study. The term “very low” is subjective and offers a loophole for fishermen to avoid deck sampling for any unforeseen reason. The “very low” halibut bycatch could also be assumed for hauls that later may show high halibut sampling in the factory, and if factory mortality is assumed to be 90%, instead of estimated, it could again underestimate the true observed mortality of halibut in a given haul.

NMFS and the Council should be cautious around any exemptions on the prohibition of interfering with or biasing the sampling of observers. Under the proposed EFP, the observer should be on deck while fishermen are presorting the catch, so it should be clearly worded that the only exemption would be from the prohibition of sorting halibut from the catch before observer sampling either on deck or in the factory. This stipulation can avoid any possible loopholes with the regulation exemptions suggested.

Finally, sub-lethal and lethal effects from the cumulative handling of halibut in the commercial fisheries are a concern. Halibut are caught and handled in longline fisheries, other trawl fisheries, and in the directed halibut fishery and the potential additional handling of a larger number of halibut during as this EFP raises the concern of cumulative effects of handling on the health of the halibut stock. Cumulative handling mortality and sub-lethal effects are not addressed in the current EFP application, but should be considered when estimating halibut mortality percentages in high fishing areas and during active fishing seasons in the EBS.

NMFS should suggest the above modifications to the EFP before it is approved. Ultimately, reducing halibut bycatch and discards is an important goal for all fisheries in the Bering Sea and we look forward to continuing to work with you towards that end.

Sincerely,



Jon Warrenchuk
Senior Scientist and Campaign Manager
Oceana