



November 30, 2021

North Pacific Fishery Management Council

1007 West Third, Suite 400

Anchorage, AK 99501-2252

Agenda Item C-2 BSAI Halibut ABM

Dear Chairman Kinneen and Members of the Council,

The Alaska Marine Conservation Council (AMCC) is committed to protecting the long-term health of Alaska's oceans and sustaining the working waterfronts of our coastal communities. Our members include fishermen, subsistence harvesters, marine scientists, small business owners and families, many of whom rely on healthy fisheries. AMCC advances conservation solutions that address the interdependence between healthy marine ecosystems, strong local economies and coastal traditions. Our community-based approach includes outreach, grassroots advocacy, public policy, research and education. The base of our membership includes hundreds of small-boat, community-based, conservation-minded fishermen who depend on the health of the marine resource to remain in their fishing communities. In many of Alaska's fishing communities, fishing is the economic engine that drives the community.

AMCC appreciates the time, commitment and resources to develop a comprehensive approach to address halibut bycatch in the Bering Sea region. We support Abundance-Based Management of halibut bycatch and an ecosystem-based fishery management approach to bycatch which is responsive to the status of the stocks. Ecosystem based fisheries management is the cornerstone of sustainable fishing and provides a pathway to maintain ecosystems in a healthy, productive, and resilient condition. The current fixed halibut prohibited species catch limits are inconsistent with management of the directed halibut fisheries, groundfish fisheries and crab, all of which are managed based on abundance. The current use of a static cap for halibut bycatch is both antiquated and inequitable, and we applaud the work the North Pacific Council has done to move this action forward. There has been significant time and resources dedicated to this action to move forward in a holistic manner.



While AMCC continues to strongly endorse an abundance-based management approach to support the long-term health of the halibut resource, the DEIS lacks sufficient economic impact data to base a sound final decision and we believe the shortfalls should be addressed before moving forward to final action. With the migratory patterns of halibut, the downstream effects of halibut bycatch throughout Alaska must be included to understand the benefits to halibut users outside of the Bering Sea. Juvenile halibut migrate across the North Pacific and on down the coast to Canada and the west coast. The amount of juvenile halibut which are removed as bycatch in the Bering Sea have significant impacts across the North Pacific. The bycaught halibut do not grow and support future fishery opportunity and overall health of the fishery. Analytical data which includes downstream effects must be included in the analysis to understand the benefits of halibut savings in the Bering Sea to user groups throughout Alaska.

The analysis projects economic impacts to the Amendment 80 sector using a retrospective analysis which assumes no change in behavior. Experiences in the North Pacific illustrate that fleet behavior changes when restrictions are in place. The analysis overestimates the impacts to the Amendment 80 sector when behavioral responses are not included for consideration. AMCC believes a comprehensive review of fleet adaptation to increased bycatch restrictions should be included in a subsequent analysis.

The outcome of status quo bycatch management has resulted in a fisheries management system glaring with inequities. One sector, bycatch users in the A-80 fleet, flourishes and builds new boats while another sector, the directed halibut users, slowly erodes to a point where communities adjacent to the resource no longer participate in the fishery. The A-80 sector claims they will go out of business if they are not allowed to continue to utilize a significant amount of the halibut resource as bycatch in the Bering Sea. It is important to note a similar claim was made in 2015 when the Council acted to reduce bycatch in the sector but none of the stated outcomes in the fleet occurred, including the ability to finish building a multimillion-dollar new boat that was under construction.

In the context of balancing the National Standards equally, AMCC supports Alternative 4 with a lookup table with PSC limits that range from the current PSC limit to 45% below the current limit at lower levels of halibut abundance. After multiple reviews and discussions, it is clear that a lookup table approach to set the PSC limit based on the status of halibut indexed to both the IPHC setline and the EBS trawl surveys provide the most comprehensive data and best available science to track the halibut stock in the Bering Sea.

We understand that bycatch reductions under Alternative 4 will most likely inflict additional costs to the Amendment 80 fleet as the fleet works to stay within meaningful limits. Avoidance behaviors may increase time on the water and fuel costs. Increased use of technological improvements with excluders and bycatch avoidance lights shows promising results and we recognize that these come with a cost. The fleet can and should bear these



costs as it works to prosecute groundfish fisheries with less halibut bycatch than they currently use. The Amendment 80 fleet is one of the most sophisticated fleets in the world and if required to do so they will meet the bycatch limitations under Alternative 4.

Alternatives 2 and 3 do not result in meaningful halibut bycatch reduction needed to provide conservation benefits to the halibut resource and equity among user groups.

When reductions of bycatch mortality is compared to average use of halibut bycatch by the Amendment 80 fleet from 2015 to 2020, Alternative 2 does not further reduce bycatch from the 5 year average use and Alternative 3 results in a maximum reduction of 5 MT. AMCC does not believe that Alternative 2 and 3 meet the purpose and need statement driving this action.

The purpose and need statement captures the necessity of this action: *“When BSAI halibut abundance declines, PSC in Amendment 80 fisheries can become a larger proportion of total halibut removals in the BSAI, particularly in Area 4CDE, and can reduce the proportion of halibut available for harvest in directed halibut fisheries.”* When halibut abundance declines, PSC becomes a larger proportion of total halibut removals, and thereby further reduces the proportion and amount of halibut available for harvest in directed halibut fisheries. Equity among user groups must be restored. The current management regime has resulted in directed fisheries losing access to a fair share of the exploitable halibut biomass, with halibut bycatch removals exceeding the directed halibut fishery removals since 2011.

The current pressure to conserve the halibut resource is borne by the directed halibut fisheries having lower catch limits at lower levels of halibut abundance. Adoption of requiring lower bycatch limits at lower levels of halibut abundance will help share the conservation mandate, and sustain economies of halibut-dependent communities.

As the Council considers the National Standards in relation to this action, it is important to reiterate the need to balance the standards and recognize that no one standard supersedes the importance of the others. The National Standards are principles that must be followed in any fishery management plan to ensure sustainability and responsible fishery management. Collectively the National Standards require conservation and management measures to prevent overfishing, rebuild depleted stocks, and ensure the long-term health and sustainability of fisheries. This is mandated by the Magnuson-Stevens Act and a cornerstone of the premier marine fisheries law guiding sustainable fisheries management.

For example, National Standard 1 – Optimum Yield – is not meant to be achieved at the expense of other fisheries and the sustained participation of fishing communities. The guidelines to NS1 note that the determination of OY is a decisional mechanism for resolving MSA conservation and management objectives and balancing the various objectives that comprise the greatest net benefits to the Nation.



In weighing NS 1 with NS 8 equally, it is clear that halibut ABM is well suited to balance the National Standards in an equitable manner. NS 8 requires management and conservation actions to consider effects on fishing communities; consider how to ensure sustained participation of fishing communities; and to the extent practicable, minimize adverse economic impacts on such communities. Under the current use of halibut bycatch, fishing communities in the Bering Sea are dropping out of the fishery with 9 out of 17 Bering Sea communities no longer participating in the fishery.

The Social Impact Analysis (SIA) reports many Alaska Native and Alaska coastal communities have been negatively impacted and are facing closures to their halibut fisheries and adverse economic and social impact to minority populations. It is impossible to quantify the magnitude of loss to a community when access to the halibut resource is lost. The importance of cultural heritage and community well-being is captured in the wisdom of NS 8 and it is up to the Councils to implement policies that recognize the equal importance of this standard.

National Standard 4 addresses fair and equitable allocations to fishermen, reasonable calculations to promote conservation and is carried out in a manner that no entity acquires an excessive share of such privileges. Under the current halibut bycatch management system and the prioritization of bycatch over directed fisheries, as with NS 8, this standard does not appear to have equal footing with NS 1. As noted in the guidance for making allocations, section 3 states: “[w]here relevant, judicial guidance and government policy concerning the rights of treaty Indians and aboriginal Americans must be considered in determining whether an allocation is fair and equitable.” The Bering Sea communities which no longer participate in the halibut fishery and those hanging on by a bent hook are primarily Alaska Natives and the injustice must be corrected.

National Standard 9 emphasizes that conservation and management measures shall, to the extent practicable, minimize bycatch and to the extent bycatch cannot be avoided, minimize the mortality of such bycatch. There have been positive strides forward to reduce mortality with deck sorting in the A-80 fleet and we are appreciative of the ongoing efforts to reduce mortality.

The subjective understanding of ‘to the extent practicable’ is perhaps the most problematic language with various user groups interpreting what this standard means. From the perspective of AMCC, ‘to the extent practicable’ does not mean limiting bycatch reductions only to a level which does not constrain the target fishery. It means balancing all the National Standards equally and in the context of all the standards determining what is practicable. The bycatch users clearly have a different understanding of this NS, and policy makers must balance this stakeholder input in the context of the whole. We believe it is the



Council's responsibility to make judgments based on principles of equity and environmental justice as well as business considerations.

Restrictive bycatch management during times of low halibut abundance supports conservation of the resource and recognizes the needs of directed halibut users and halibut-dependent communities which have been negatively impacted by status quo bycatch management. Alternative 4 provides the most equitable option for conservation of the halibut resource with the lowest possible PSC limits (45% below current) at lowest levels of halibut abundance. This will preserve more adult and juvenile halibut to contribute to the coastwide biomass and will benefit thousands of families, businesses and communities that depend on the health of the halibut resource.

The North Pacific Fishery Management Council has dedicated significant time and resources to develop an ecosystem-based fishery management approach to address halibut bycatch in the BSAI with an abundance-based approach. It is critical that the analysis provides a comprehensive understanding of economic impacts to the directed halibut fishermen throughout Alaska to provide a final document from which the Council will base decisions.

We encourage the North Pacific Council to continue prioritizing this action and continue to dedicate the time and resources to see this through.

Sincerely,

Theresa Peterson

Fisheries Policy Director
Alaska Marine Conservation Council