

PUBLIC TESTIMONY SIGN-UP SHEET

Agenda Item: B Reports

*Check the boxes below if you will
have a PowerPoint or Handout*

NAME (Please Print)		TESTIFYING ON BEHALF OF:	Handout	PPT
1	Linda Behnken	Alaska Longline Fishermen's Association		
2	Mellisa Johnson	Bering Sea Elders Group	X	
3	Chandler M O'Connell	Sitka Conservation Society		
4	Jamie Goen	Alaska Bering Sea Crabbers		
5	Jon Warrenchuk	Oceana		
6	Brenden Raymond-Yakoubian	Kawerak Inc.		
7	Brent Paine	United Catcher Boats		
8	Chad See	Freezer Longline Coalition	X	
9	Becca Robbins Gisclair	Ocean Conservancy		
10	Jamie O'Connor	Alaska Marine Conservation Council		
11	Rose Fosdick	Northwestern Bering Sea communities	X	
12	Peter Bradley	Self		
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(l) 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.



Bering Sea Elders Group

www.beringseaelders.org • beringsea.elders@gmail.com

June 8, 2020

Dr. Jim Balsiger
Regional Administrator
National Marine Fisheries Service, Alaska Regional Office
P.O. Box 21668
Juneau, AK 99802

Mr. Simon Kineen
Chair, North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501

Re: E-1 Staff Tasking—Request for Emergency Action to Increase the BSAI Herring Prohibited Species Catch Allowance

Dear Chairman Kinneen, Dr. Balsiger and Council members:

The Bering Sea Elders Group (BSEG) is made up of elders from nearly 40 participating tribes from Kuskokwin Bay to the Bering Strait. We work to protect our traditional ways of life, the ocean web of life that supports the resources that we rely on, and our children's future. The ocean's resources are integral to our local economies as it provides for food, income, and jobs. Fishermen in our villages harvest from small boats and skiffs. In our culture, it is a sin to waste, and we have long advocated for reductions in bycatch.

BSEG submits the following comments opposing the Request for Emergency Action to increase the BSAI herring prohibited species catch (PSC) allowance from 1% of the Eastern Bering Sea herring biomass to 2% of the Eastern Bering Sea herring biomass. BSEG strongly opposes this request because it does not meet the criteria for emergency regulation and poses high risks to an important fish species in the Bering Sea at a time when our ecosystem is undergoing dramatic change.

We understand that the COVID-19 pandemic has posed new challenges and costs for commercial fishing fleets. Indeed, our communities are incurring similar costs. We are sympathetic to all of these costs and support additional Congressional allocations for fisheries relief—both commercial and subsistence. However, the COVID-19 pandemic does not justify abandoning the NPFMC's standard management processes, including the opportunity for the public to engage in the decision-making process.

The National Marine Fisheries Service (NMFS) has set out three criteria to define an emergency, and such regulations may be issued to address a situation that (1) results from recent, unforeseen event, or recently discovered circumstances, (2) presents serious conservation or management problems in the fishery, and (3) the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process. This situation does not meet any of the required criteria. Raising bycatch caps under these circumstances is not an appropriate use of the authority to issue emergency regulations. Furthermore, to approve an emergency rule, the Secretary of Commerce must have an administrative record “demonstrating its compliance with the national standards.” 62 Fed. Reg. 44421 (Aug. 21, 1997). Raising the herring bycatch limit does not comply with the mandate of National Standard 9 to reduce bycatch to the extent practicable. This request does not meet the agency’s own standards for emergency regulation.

Herring is an important resource for our communities. Herring is food for our people and also provides forage for commercially important groundfish species as well as prey for seabirds, marine mammals. Raising bycatch caps on herring at a time of dramatic ecosystem change is both risky and unjustified, and may do long-term harm to groundfish stocks, as well as the many other species that depend on herring for forage. As others have noted, there is no evidence at present that herring biomass is at a level that can sustain an increase. The risks of increasing the take of a key forage fish in a rapidly changing ecosystem are high, and warrant the benefit of the full deliberative process of normal rulemaking.

Thank you for the opportunity to submit these comments.

Quyanaq,



Mellisa Johnson
Executive Director
Bering Sea Elders Group



Ph. 206.284.2522
2303 W Commodore Way Suite 202
Seattle, WA 98199
www.freezerlonglinecoalition.com

June 7, 2020

Mr. Simon Kinneen, Chair
North Pacific Fishery Management Council
1007 West Third, Suite 400
Anchorage, Alaska 99501-2252

Re: B3 AFSC Report – COVID-19 Response and FY 20 Surveys

The Freezer Longline Coalition (FLC) submits for the Council's consideration comments on the Alaska Fisheries Science Center (AFSC) report on its COVID-19 response and the FY 20 and FY 21 groundfish surveys.

About FLC

The FLC represents the owners of over 20 active commercial fishing vessels (36 permits) that participate in the freezer longline sector of the Pacific cod fishery in the Bering Sea (BS), Aleutian Islands (AI) and Gulf of Alaska (GOA). Freezer longline fleet operations are almost entirely dependent on the sustainable harvest of Pacific cod, with the great majority of our operations spread out across the BS. Our 10 member companies employ about 1,500 crew on their vessels each year, with about 20-25 crew deployed on a vessel on a given trip. The FLC and its members are committed to ensuring that the marine resources of the North Pacific are sustainably managed and conserved to enhance the health and productivity of its ecosystem. We are leaders in the promotion of sustainable practices in the fishery and regularly engage with the AFSC on Pacific cod research supporting the future of the stock.

Response to Groundfish Surveys Cancellation

The cancellation of the 2020 AFSC groundfish trawl surveys is an unprecedented development in the history of fisheries management in the North Pacific. FLC understands the challenges facing the AFSC as it responds to the COVID-19 pandemic and the tough decisions it needs to make in the interest of the health and safety of its employees and coastal communities. Our members are similarly facing such decisions as we navigate this crisis.

That said, FLC is concerned with the impacts of the missed surveys on future stock assessments and management of the groundfish fisheries. Regular and systematic surveys have been the fundamental core of the groundfish stock assessment program, with some data sets extending for over thirty years. Survey information has been the backbone for the science-based review process that supports the long-term sustainability of the groundfish fisheries. Collection of this information must resume in future years.

We are hopeful that the impacts of a one-year loss of surveys in the BS and AI can be addressed through the robust management process that is in place in the North Pacific. The current tier

system for groundfish stocks already incorporates a precautionary approach and substantial risk buffers are already in place for many stocks.

Consideration of fishery-dependent data

Of particular concern to the FLC is the lack of 2020 survey information for the BS and AI Pacific cod stock assessments. The AFSC bottom trawl surveys for the EBS, NBS, and AI have all been cancelled. While the AFSC longline survey will go forward, this is an “on” year for the AI portion of the survey and an “off” year for the BS portion of the longline survey. Additionally, the IPHC setline survey will be conducted in a truncated format with no survey stations planned in Area 4 (BA and AI). With little-to-no survey information, the remaining source of real-time information on the 2020 stock status for BSAI Pacific cod appears to be fishery-dependent data and observations from the fishing grounds.

We support suggestions from SSC team members during consideration of this issue last week that the AFSC assess new data available for groundfish stocks that could be used in the 2021 assessment process. If there is fishery-dependent information that would assist the stock assessment authors, FLC is willing to work with AFSC in facilitating that data collection and transmission in any way that we can help, provided sufficient time to generate the information.

In considering fishery-dependent data, CPUE can be an indicator when looking at stock status trends. While CPUE is not a direct measure of biomass and/or abundance, it does provide a measure of trend analysis of stock conditions. The BS Pacific cod SAFE provides CPUE information by gear (pot, trawl, and longline) by month and by year (Tables 2.2 a-c) but the weight given to the CPUE information in the assessment is unknown.

The 2019 BS Pacific cod SAFE (for 2020) included (p. 9): *“The CPUE for 2019 is estimated to be almost exactly equal to the average for the time series [1991-2019], and about 9% above the CPUE for 2018.”* p. 34: *“Mean longline fishery CPUE has increased for the last two years, and is now equal to the time series mean.”*

In 2020, the ABC for BS Pacific cod was reduced -10% but the CPUE in the 2020 “A” season for CP H&L has increased +2% from 2019. In response to the lowered ABC and TAC in 2020, overall effort (number of hauls) has been reduced -19% in the CP H&L sector in the 2020 “A” season (compared to the 2019 “A” season) but CPUE has increased. The preliminary 2021 ABC (without any 2020 information) is projected to include a further -34% reduction in ABC. In the meantime, CPUE in the “A” season has been increasing since 2014 (see Figure 1: Source: Sea State)

The SSC June meeting report states that the SSC co-chairs plan to talk with the Groundfish Plan Team chairs prior to the September Plan Team meetings on addressing uncertainty in upcoming assessments, similar to discussions with the Crab Plan Team. In considering SSC input to the Plan Team, we believe it would be beneficial for stock assessment authors to maintain some flexibility in performing their assessments, versus prescribing a strictly systematic approach for authors. This includes allowing for use of fishery-dependent data. For example, the quality and time-series of fishery-dependent data varies by fishery and sector. Cooperative fisheries that manage quota assigned to their fleet have considerably more information than open-access fisheries. The FLC has a long data set of fishery information from both Sea State and the Fisheries Information Service. Assessment authors should have flexibility, and be encouraged, to utilize fishery-dependent data when quality data is available.

2021 Surveys

For 2021, the FLC believes it is imperative that measures are in place at AFSC to facilitate a full suite of groundfish surveys. A lack of surveys in 2021 would have significant consequences on the quality of data available to assess and sustainably manage the stocks and could have tremendous negative impacts on fishing operations. We appreciate the AFSCs

acknowledgement of the importance of the surveys and their commitment to returning to them next year. We ask that the Council request a report from AFSC on their plans to facilitate the surveys, including if COVID-19 remains a concern in to 2021.

In considering 2021 surveys, we support the SSC recommendation for a public meeting in August to consider survey prioritization for next year. Our prioritization of the bottom trawl surveys (BTS) for 2021 would be: 1) EBS BTS, 2) NBS BTS, 3) GOA BTS (with third vessel, if NBS can still be surveyed), and 4) AI BTS.

Thank you for your consideration. Please be in touch if you have any questions or other feedback on these comments.

Sincerely,



Chad I. See
Executive Director
Freezer Longline Coalition

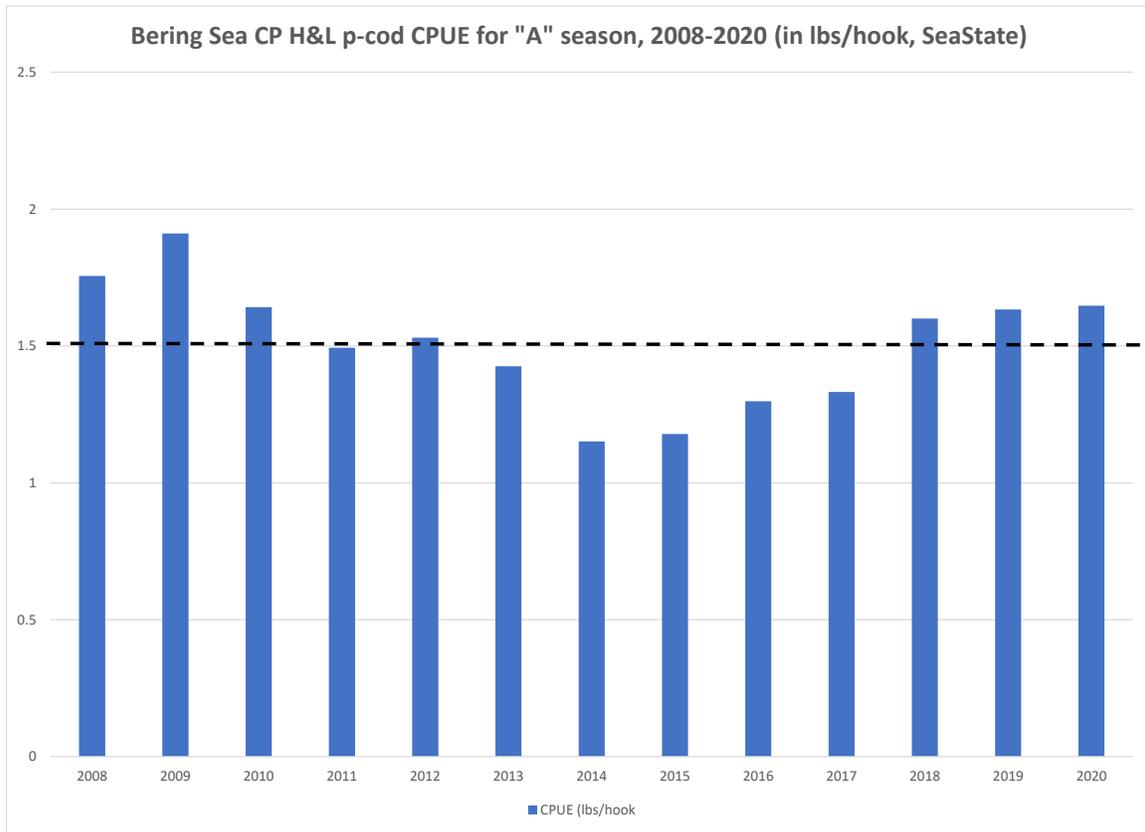


Cell: 202-487-3562

chadsee@freezerlongline.biz

Enc: Figure 1: Bering Sea CP H&L p-cod CPUE for "A" season, 2008-2020

Figure 1: (Source: Sea State)



Comment 3. Herring bycatch management measures should incorporate an individual incentive system, such as individual transferrable quotas (ITQ) of allowable bycatch, to reduce effectively the incidental take of herring. Without an individual incentive system, herring bycatch rates will remain high, bycatch allowances will be prematurely reached, and harvest shortfalls of the groundfish optimum yield will continue.

Response: NMFS acknowledges that individual accountability of bycatch under an ITQ program may be a long-term goal. An incentive program has been implemented for halibut and red king crab bycatch in selected groundfish fisheries. As NMFS gains experience with this program, and steps are taken to enhance the program, the expansion of the incentive program to other fisheries and bycatch species will be considered under subsequent regulatory action.

Comment 4. The sequence of time-area closures contemplated for herring bycatch management allows fishermen operating in one area of the Bering Sea to take disproportionate amounts of herring bycatch and trigger trawl closures in the Herring Savings Areas that affect trawl operations in a completely different area of the ocean. For example, inshore pollock fishermen could have a substantial herring bycatch, resulting in closure of the "Winter Herring Savings Area." This area is far removed from near-shore trawl operations, but important to offshore pollock operations. Such a system is inequitable and will result in tremendous economic costs.

Response. NMFS recognizes that increased costs could be incurred by operators of vessels who are forced to change fishing operations when the Herring Savings Areas are closed. Catcher/processor vessels that normally fish for pollock in the Winter Herring Savings Area would have to fish outside this area if it were closed due to attainment of the herring bycatch allowance by trawl vessels participating in the midwater pollock fishery. Alternatively, inshore vessels could be disproportionately affected from closures of the Summer Herring Savings Areas, especially if increased operating costs and distances to open fishing grounds prevent such vessels from fishing for groundfish during closures of these areas.

Although operators of certain vessels may incur increased operating costs or be unable to fish for groundfish during closures of the Herring Savings Areas, the analysis prepared for Amendment 16a concludes that the BSAI trawl fleet

could still harvest available groundfish quotas outside of the Herring Savings Areas.

Comment 5. To be effective, "hot-spot" closure authority requires timely closures of limited areas based upon current, inseason data. The "hot-spot" authority proposed under Amendment 16a will be too slow to have the desired effect if an impact analysis must be prepared for each closure action. Furthermore, closures of entire Federal statistical areas for 60 days, rather than some smaller portion of statistical areas for shorter periods of time, will unnecessarily constrain fishing operations in areas that may be fished with low bycatch rates.

Response. NMFS acknowledges that the "hot spot" authority implemented under Amendment 16a will require that an impact analysis be prepared for the specific restriction(s) imposed under a "hot-spot" closure action. Hot-spot closures implemented under Amendment 16a would not necessarily be broad in scope if available information could support closures of portions of statistical areas for less than 60 days. The time to prepare, review, and implement a hot-spot closure could be of a duration that would make such action ineffective for purposes of reducing bycatch rates. However, there may be other cases when hot-spot closures could be implemented within a timeframe that would reduce bycatch rates.

The Council is considering the development of a framework hot-spot closure authority that would routinely allow more efficient and effective time-area closures. To enable more effective closures of "hot-spots," inseason closure authority of these areas must be developed that sets forth specific threshold criteria in regulations which, when triggered, would allow closure of specific areas. This authority would allow the Regional Director to close predetermined areas and would be similar to closures due to attainment of a groundfish TAC or prohibited species bycatch allowance. Development of a refined hot-spot closure authority will require determination of appropriate threshold conditions (weekly prohibited species bycatch rates or amounts by area) and resulting time-area closures. These conditions would be published in the *Federal Register* for public review and comment prior to the beginning of a fishing year.

Comment 6. Proposed bycatch management regulations imposed on the pollock fishery should incorporate mortality-based incentives that provide credit for quick return of bycatch. For example, implementation of a program

that credits trawl fishermen with halibut returned to sea within 30 minutes after coming on deck would lessen bycatch impact through increased bycatch survival and increased harvest of target species.

Response. NMFS and the International Pacific Halibut Commission (IPHC) are investigating methods to reduce halibut mortality from handling in the groundfish trawl and longline fisheries. Before regulatory action is taken, information must be collected on how prohibited species are handled by crew on board the domestic trawl fleet. Furthermore, quantitative data analysis and research must be undertaken: (1) To identify factors affecting prohibited species bycatch mortality and viability, (2) to derive an objective index of halibut or crab condition, and (3) to quantify the potential savings of halibut that would result from alternative actions taken by groundfish fishermen to reduce mortality. NMFS intends to work with the fishing industry and the IPHC to explore feasible, practical measures to reduce bycatch mortality in the groundfish fisheries. Regulatory action to implement such measures is unlikely before mid-1992.

Comment 7. The existing definition of pelagic trawl gear as a management tool to reduce bycatch of prohibited species is ineffective, as evidenced by the success of certain groundfish fishermen to modify their trawl gear, circumvent the definition of pelagic trawl gear, and continue trawl operations at high bycatch rates. Given this experience, further use of the pelagic trawl gear definition to limit prohibited species bycatch in the pollock fisheries will be a useless management tool, unless a valid distinction between pelagic and non-pelagic trawl gear is established and enforced.

Response. NMFS is aware of the problems associated with enforcing the existing definition of pelagic trawl gear with respect to limiting trawl bycatch of prohibited species. In response, NMFS has implemented rulemaking to prohibit all trawling for Pacific cod once a prohibited species bycatch allowance specified for the "DAP other fishery" has been attained (56 FR 21619; May 10, 1991). The proposed rule for Amendment 16a also has been revised to prohibit all trawling for pollock in the Herring Savings Areas once the herring bycatch allowance specified for the midwater pollock fishery has been reached. Additional emergency rulemaking is being considered by NMFS that would further restrict the use of non-pelagic trawl gear once a fishery's prohibited

June 8, 2020

Simon Kinneen, Chair
NPFMC
Anchorage, AK
Via email

Dear Simon,

Re: Public comments to the North Pacific Fishery Management Council - "B reports, NMFS"

This is a follow up to the NPFMC virtual meeting online, today. I provided public comments via Adobe Connect, to the Council following B reports. Unfortunately, there were glitches with the Adobe Connect program and when I was done with my very short testimony, you stated several council members were not audio-connected. Attached is a summary of my comments, for you to share or file.

Sincerely,



Rose Fosdick

ROSE FOSDICK
COMMENTS TO NPFMC
FOLLOWING B REPORTS
June 8, 2020

Mr. Chair and Council members: My name is Rose Fosdick. I'm in Nome. Thank you for allowing me to speak on the topic of "Inseason Adjustment Authority and Herring Savings Areas Closures". I'm testifying as a subsistence advocate for Northwestern Bering Sea subsistence communities in our region. I should also mention I serve on the Ecosystem Committee however these are my personal comments.

I want to say that Amendment 16a is working, in that it appears from the biomass estimates that herring are at a healthy population. So, the intended result of that amendment is working, herring populations are healthy.

Herring and herring roe are a powerful protein food source for people along the coastline, it appears first among the fish moving up the coast toward our region. Herring also feed the marine mammals, salmon and sea birds, resources that we depend on. Right now, birds are feeding along the beach in shallow wave action water, feeding on shiny fingerlings. Arctic Terns are here, I've seen larger numbers of terns in our area than the previous two years. Herring feeds the marine mammals, salmon and sea birds; those are resources we also depend on.

This topic of in-season management adjustments should be fully disclosed and discussed by the people effected, both fishermen and subsistence communities - because changes being discussed in today's B reports speak on stocks of pollock, herring, Chinook, chum salmon. I recommend that you not approve in-season management action authority; the people who are impacted by these changes should be part of the discussion, including fishermen and subsistence harvesters.

Thank you for opportunity to speak.