

Nov 30, 2021

Mr. Simon Kineen, 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: C2 BSAI Halibut Abundance Based Management of Prohibited Species Catch Limits, Final Action

Dear Chair Kineen, Dr. Balsiger, and Council Members:

Thank you for taking final action on your recommendations for Halibut Abundance-Based Management (ABM) of Prohibited Species Catch (PSC) Limits in the Bering Sea and Aleutian Islands.¹ Millions of halibut are being killed as bycatch in the federal groundfish fisheries in the Bering Sea.² It is time to implement measures for reducing halibut bycatch caused by the Amendment 80 trawl fleet, which now causes the majority of halibut fishing mortality in the Bering Sea.³ Oceana supports Alternative 4, Option 3 which requires the greatest reduction in halibut bycatch by the Amendment 80 trawl companies, particularly when halibut abundance indices are low.¹

As we have explained in our previous letters relating to bycatch, the Council and NMFS's obligations under the law are clear and weigh heavily in favor of implementing the alternative that ultimately reduces halibut bycatch by the greatest amount. The Magnuson-Stevens Act (MSA) explicitly requires that fishery management plans contain conservation and management measures that "to the extent practicable and in the following priority: (A) minimize bycatch; and (B) minimize the mortality of bycatch which cannot be avoided."⁴ This requirement is also embedded in National Standard 9, with which all Fishery Management Plans must be consistent.⁵ When it added these provisions to the Act, Congress was very clear that its intent was to halt the "shameful waste" occurring in the nation's fisheries.⁶

The groundfish trawl fisheries have an outsized impact on the halibut population through this wasteful bycatch, which in turn affects the livelihoods of directed halibut commercial and sport fisheries and reduces halibut subsistence opportunities throughout the state. Estimates of the lost halibut catches for the directed halibut fishery due to bycatch in the groundfish trawl fisheries have varied dependent upon the assumptions and models used by analysts, but have ranged from 1 to 4 pounds of lost yield for every

¹ [Draft Environmental Impact Statement for the Bering Sea and Aleutian Islands Halibut Abundance-Based Management of Amendment 80 Prohibited Species Catch Limit September 2021 \(npfmc.org\)](#)

² See "Halibut Bycatch Rates – by gear, area, target, week, processing sector" reports by year: <https://alaskafisheries.noaa.gov/fisheries-catch-landings>

³ Table 4-2, [Draft Environmental Impact Statement for the Bering Sea and Aleutian Islands Halibut Abundance-Based Management of Amendment 80 Prohibited Species Catch Limit September 2021 \(npfmc.org\)](#)

⁴ 16 U.S.C. §1853(a)(11).

⁵ See *id.* § 1851(a)(9) (reiterating the requirement to minimize bycatch to the extent practicable).

⁶ 142 Cong. Rec. S10,794, at 10,820 (1996).

pound of halibut bycatch mortality in the Bering Sea.^{1,7,8,9} In other words, there is a direct link between halibut trawl bycatch and the amount of halibut available to directed halibut fisheries and any other stakeholders dependent on halibut.

Further, NMFS and the Council must reconsider their authorization of trawling in the habitats important to halibut and other prohibited species for feeding, breeding, and growth to maturity. Both the International Pacific Halibut Commission and the North Pacific Fisheries Commission recognized the importance of the Bering Sea shelf as a halibut nursery area and closed a large portion of the shelf to directed halibut fishing and foreign bottom trawling (Figure 1). Ironically, one of the earliest actions by the newly formed North Pacific Fishery Management Council in the 1980s was to undo the trawl protections and allow domestic groundfish trawl fisheries to trawl in this protected area. Since that time, millions of juvenile halibut have been killed by trawls during a steady decline of halibut abundance. The Council must now take action to remedy this discrepancy.

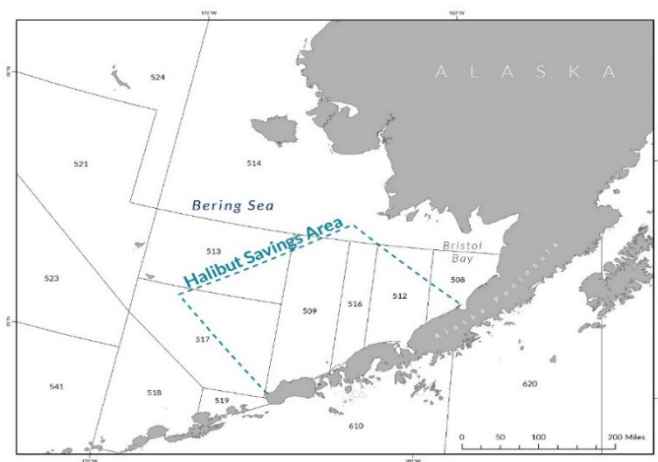


Figure 1: The Halibut Savings Area in the Bering Sea and NMFS statistical areas. Area 509 within the Halibut Savings Area has the highest halibut bycatch of the statistical areas in the Bering Sea.

We support actions to provide for sustainable fishing opportunities, reduce the waste of bycatch, and protect fish populations particularly when at lower levels of abundance. We strongly encourage NMFS and the Council to expeditiously implement Alternative 4, option 3, to reduce halibut bycatch and be responsive to spatial concerns and trends in the halibut population. We look forward to continuing to work with you toward healthy, sustainable fisheries that count, cap, and control wasteful bycatch.

Sincerely,

Jon Warrenchuk
Senior Scientist and Campaign Manager, Oceana

⁷ Sullivan, P. J., R. J. Trumble, and S. A. Adlerstein. 1994. Pacific halibut bycatch in the groundfish fisheries: effects on and management implications for the halibut fishery. International Pacific Halibut Commission, No. 78.

⁸ Clark, W. G., and S. R. Hare. 1998. Accounting for bycatch in management of the Pacific halibut fishery. North American Journal of Fisheries Management 18(4): 809-821.

⁹ Adlerstein, S. A., and R. J. Trumble. 1998. Pacific halibut bycatch in Pacific cod fisheries in the Bering Sea: an analysis to evaluate area-time management. Journal of Sea Research 39: 153-166.