

**Halibut Abundance Based Management Consultation Summary**  
**Aleut Community of St. Paul Island and National Marine Fisheries Service**  
**November 24, 2021**  
**Videoconference**

(Please note that this is a preliminary summary draft, additional changes may be made before being finalized and posted to the NMFS Alaska Region webpage)

**Attendees:** Amos Philemonoff (President, Aleut Community of St. Paul Island [ACSPI]), Marissa Mercurieff (Director, Office of Justice and Governance Administration; Attorney, ACSPI), Dr. Lauren Divine (Director, Ecosystem Conservation Office, ACSPI, notetaker), Simeon Swetzof, Jr. (Tribal Member, ACSPI), Ray Melovidov (Tribal Member, ACSPI), Jeff Kauffman (Tribal Member, ACSPI), Karen Pletnikoff (Environmental and Safety Program Manager, APIA; Tribal Member ACSPI), and Max Malavansky, Jr. (Tribal Member, Aleut Community of St. George Island), Doug Mecum (Deputy Regional Administrator. NMFS AK Region), Glenn Merrill (Assistant Regional Administrator. NMFS AK Region, Sustainable Fisheries Division (SFD); IPHC Commissioner), Anne Marie Eich (Supervisory Fisheries Management Specialist. SFD), Obren Davis (Fisheries Resource Management Specialist. SFD, Tribal Engagement Team (TET) member), Allyson Olds (Fisheries Management Specialist. SFD, TET member; notetaker), Bridget Mansfield (NEPA coordinator. NMFS Alaska Region, TET member), Kelly Cates (Fisheries Management Specialist. SFD, TET member; notetaker), and Demian Schane (NOAA General Counsel, Chief, Alaska Section)

**Purpose of Meeting:** Complete consultation between the Aleut Community of St. Paul Island and AK regional NOAA NMFS per our government-to-government relationship regarding the halibut abundance-based management (ABM) action that is scheduled for final action at the December 2021 North Pacific Fishery Management Council (NPFMC) meeting. NMFS would like to share information about the ABM action and its potential implementation, as well as hear and better understand the ACSPI perspective about the halibut ABM action. ACSPI would like to discuss history of halibut fishing in the Pribilof Islands, previous related decisions and the current action that are threatening our way of life, and implore NMFS/ NPFMC to implement Alternative 4 and provide relief to our families and community, curtail outmigration of our families/residents, and restore the long-term health of the halibut resource.

**Background:** The NPFMC is considering making revisions to limit halibut bycatch in the BSAI. At the upcoming December meeting, final action is scheduled to revise prohibited species catch (PSC) limits for the Amendment 80 fleet, as there is low halibut abundance in the Bering Sea that has been a persistent issue for years. This action is intended to promote conservation of the halibut stock and may provide additional opportunities for the directed halibut fishery. The NPFMC is currently considering a range of four alternatives; one no action alternative (maintain status quo) and three action alternatives (see NPFMC [motion](#)). To come to a decision on a preliminary preferred alternative for this action, the NPFMC will consider economics, social, environmental, resource (ecosystem) impacts. The NPFMC will use the guidance of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) for decision making.

**Issues/concerns raised during listening session:**

ACSPI: Unique history/relationship with the federal government and traditional and local uses of the

### halibut resource

- Unangan, or Aleut Peoples, including those on St. Paul Island, have been long term users of halibut and other resources of the Bering Sea with a 10,000 year history.
- We approach natural resources from our tribal values and worldviews, and work to ensure food security for our communities, especially into the future. St. Paul is the home of the largest population of Aleut people, and we rely on halibut and crab. We have witnessed the declines in these resources to what they are today. We are experiencing the declines through outmigration of our families/residents - today we have several families panning on leaving because of the current declines and anticipated declines. We have maybe half a dozen boats left in our fishery. Fishing families cannot make ends meet with the only fishery we have available to us—halibut.
- We were pulled from commercial harvesting of northern fur seal and told by the Department of Commerce to become fishermen. Now we are having that taken from us. We don't have coal, trees, other industry to fall back on. It hurts so bad to see that we have been neglected for so long that we are living with less than 50% of the people we used to have. Implore the agency to influence the NPFMC to make sure the coastal communities that we need to pay more attention to those communities. They are all Indigenous communities. They are all at risk from this decision. We are at a point where we are already doing what we can do. This is the battle to just maintain what little we have been given by a federal government that has mismanaged our People and ecosystem since we've inhabited the island.

### Effects of declining halibut abundance on communities and residents

- Declining halibut abundance has adversely affected fishermen, families, and the community
- Fishing families are not able to make ends meet due to the decline in commercial halibut quotas, which may lead to people moving out of the community.
- Over time, the actions and inactions of the NPFMC have not served our people and community.
- Local fishermen have experienced the loss of halibut fishing opportunities first hand, and have noted the various factors associated with declining halibut abundance, such as bycatch, climate change, etc.
- ACSPI tribal members have nothing to make a living on except what the Bering Sea offers.
- From the perspective of the community of St. George, halibut is the only real economic opportunity, and that opportunity is tied to the success of the St. Paul processor.
- Tribal members would like the opportunity to take our kids out commercial fishing in the future.
- While the revenue from commercial fisheries (from CDQ royalties) is important, what is most important are the local, directed fisheries.
- What we have right in front of us right now is the issue of halibut bycatch, but this is tied up with Unangan self-identity, mental health, physical health, emotional wellbeing, cultural continuity, thriving culture and economic security.
- This is food in real families' mouths. It is not an us versus them issue.
- National Standard 8 is already violated. Communities are already shut down. Atka had directed fishery, their fish come from our nursery, their fish are being thrown overboard before recruiting to our community fisheries. If halibut were abundant it would be available to America at an affordable price.

### Perspectives on fisheries management and the federal process

- ACSPI is very familiar with the Tribal Consultation process. We participate regularly with other agencies (e.g., DOI, EPA) that have a much more streamlined, transparent, proactive process for initiating Consultation with our Tribes that includes planning, hosting and sending out notices well ahead of time to hold TC for every issue that *may* impact our Tribes.

- The ABM action is an opportunity for NMFS and the NPFMC to right longstanding wrongs with respect to Tribal members (including subsistence and local fishermen) of the Pribilof Islands.
- ACSPI needs to see a policy change to address bycatch and provide additional support for native, local fishermen.
- With respect to this meeting, it is a Consultation, not an engagement or listening session, we are going to be very direct with NMFS. We are partners in this issue through the government-to-government relationship.
- There is confusion over who the decision-maker actually is: the NPFMC or NMFS?
  - If it is NMFS, then requiring the Tribe to use the NPFMC process to have a decision made is not the proper process. If it is NPFMC, then, while NMFS can take this info to the NPFMC, it's not truly Tribal Consultation because NPFMC is the decision-maker. NPFMC staff should be in the room for every Tribal Consultation regarding fishery management decisions.
  - NMFS clarified that NOAA NMFS is delegated to act on behalf of the Secretary of Commerce with respect to this action, this decision. The NPFMC is an advisory body to the Secretary of Commerce. NPFMC plays an important role for sure. The Secretary of Commerce makes the ultimate decisions about specific policies and changes to fishery management plans. The Secretary has made NMFS Headquarters the delegated decision-maker for these types of fishery management actions.
- A listening session is not the same as a Consultation. The agenda for a Consultation should be developed jointly by both parties, rather than NMFS just drafting one and sending with assumptions about what will be covered, order, and flow.
- The ABM decision next month (December 2021) decides the future of St. George, as it is linked to the success of the St. Paul halibut fishery.
- There is/will be a continued outmigration of people from the Pribilof Islands to elsewhere due to limited economic opportunities. NMFS and the NPFMC need to pay more attention to coastal communities, including their tribal members.

#### Halibut bycatch and abundance

- ACSPI presented slides that illustrated halibut abundance, declines, and bycatch over time.
  - There has been a 70% decline in bycatch from 2004 to 2021.
  - Halibut abundance also has declined, although bycatch limits have not.
  - Cumulative losses to the directed halibut fishery of approximately \$50 million.
  - This is not portrayed in the draft EIS prepared for the ABM action.
  - The draft EIS SIA does now note (as of September 2021 draft) that there are 17 communities that are categorized as halibut-dependent communities. Has there been direct contact to all 17 of those communities by NMFS at any time? NMFS stated no.
  - It is inequitable and unjust that communities get the leftovers after the establishment of bycatch limits.
  - Alternative 4 of this particular DEIS regarding this halibut ABM final action is the only one that works for St. Paul, but halibut is not just a St. Paul issue. It is an Aleutian Islands issue. It's an ecosystem wide issue. ALL of us need these halibut from Norton Sound to the North Pacific.
  - Allocation policy must change and be addressed, it is not the appropriate use of the public's resources. Halibut are too valuable to be wantonly wasted where directed fisheries are closed while trawlers are building new boats. The request from SNP is a request for ALL of our communities on behalf of the resource.
- We can rescue ourselves, but we need the empowerment to do so, i.e., we need NMFS to do the

right thing so we can be empowered to rescue ourselves. We want to have a voice in halibut management, as this is really an issue of sovereign power. NOAA has that ultimate power and NOAA has a lot better tools at their disposal than this flawed DEIS which frankly leaves the agency vulnerable, and NOAA can restore equity and allocation by choosing Alternative 4.

- ACSPI has gone directly to the Department of Interior - Indian Affairs to ensure that the ACSPI has Consultations on fishery management issues. The St. Paul and St. George tribes have limited opportunities, and have suffered greatly under the existing management structure.

#### Discussion of NMFS's Perspectives

- Mr. Merrill noted that this is a government to government conversation.
- NMFS appreciates the views about the importance of halibut to the Aleut community on many different levels, including community stability and cultural identity.
- NMFS noted that we have various roles and responsibilities at many levels, including tribes, the NPFMC, and the Secretary. It is very important to hear these perspectives from you as we move forward with the action.

#### Discussion of the Halibut ABM action, Alternatives, and Draft EIS

- Mr. Merrill noted that NMFS has heard ACSPI's strong advocacy for the selection of Alternative 4 for the ABM action.
- ACSPI noted that Alternative 4 in the current version of the DEIS is the only alternative that is viable.
  - However, an additional alternative could provide even greater bycatch reduction provisions and additional bycatch control measures.
- NMFS asked for clarification about whether the DEIS and its associated economic analysis was sufficient to base a decision upon.
  - ACSPI responded that decisions should not be based on the economic analysis alone, as the perspective of the DEIS and SIA are strongly skewed to encourage selection of either Alternative 2 or 3. The negative impacts of the action on the Amendment 80 sector are grossly overestimated and the positive benefits of the action on the directed fisheries are grossly underestimated.
- ACSPI representatives noted that Indian Affairs' review of the DEIS noted the lack of Tribal Consultation in the document. NMFS should have extended offers to consult with all of the affected communities listed in the DEIS.

#### **Final discussion**

- ACSPI raised the following points:
  - On the point of Consultation and engagement, the NMFS process has been clunky. NMFS should use Indian Affairs as a resource, especially when trying to determine which tribes to contact and who to contact. Reach out to federally recognized Tribes specifically.
  - NMFS has obligations to reach out; the letters NMFS sent could have been a solicitation for Consultation, not just offering a listening and engagement sessions. NMFS should have been sending information to groups and Tribes about how to engage and request actual Consultations.
- NMFS acknowledgement of ACSPI's concerns and suggestions
  - We hear you loud and clear on the need to build capacity and coordinate better with tribes across Alaska on a host of issues. Thanks for being clear in your message.

- It's always great to share views and engage in ways we don't normally do. We're trying to improve our outreach to tribes, and appreciate your input.
- With respect to the EIS, we'll note our consultations in the next version of the EIS and its associated response to comments. This consultation is part of the decision making process for the agency and Secretary of Commerce.
- With respect to implementation, that could occur in 2023, although it may take some time to transition to fully implement the changes to managing bycatch through the ABM process. For example, it may take two full years to synchronize ABM with the BSAI harvest specifications process.