



North Pacific Fishery Management Council  
1007 West Third, Ste 400  
Anchorage, AK 99501

September 27, 2020  
Agenda Item C6: Halibut PSC ABM

Dear Chairman Kinneen,

I am submitting these comments on behalf of the Alaska Longline Fishermen's Association (ALFA).

ALFA members commend the ABM workgroup and Council staff for the tremendous amount of work dedicated to this issue. Although we are all still wading through the various documents, we appreciate the clarity of the Draft EIS and the preliminary analysis of the identified alternatives. Below are ALFA's recommendations for improvements to the model and analysis to more fully capture impacts and benefits; also described below are our reasons for supporting the proposed starting points, elements, and options that comprise Alternatives 3 and 4. Specifically we request the Council:

- Modify the purpose and need statement so that the objectives on page 16 be realigned with the original objectives, which are more accurately captured in the bulleted points on page 18
- Correct model outputs that dampen the impact of reducing bycatch caps on the directed fishery and the impact of fishing at very low levels of abundance
- Provide stakeholders with an opportunity to recommend alternative break points and stair steps if the Council chooses to move ahead with the State proposed look-up table approach.

#### Purpose and Need

Because all alternatives will ultimately be measured against the identified purpose and need, we wanted to briefly remind the Council of the issues that launched this amendment.

First, we would first remind the Council that moving to abundance-based management of halibut PSC caps will improve conservation and management of the halibut resource. The Council manages all stocks based on sound science with allowed removals tied to abundance; managing halibut PSC with a fixed cap is inconsistent with that practice.

Second, bycatch is currently removing over 50% of the harvestable halibut in the BSAI, and only the Council has management authority over bycatch, hence the Council has an essential role to play in conserving the halibut resource. The Council also has a direct role in whether or not a halibut directed fishery occurs in the Bering Sea, because the International Pacific Halibut Commission (IPHC) subtracts bycatch of over 26-inch halibut (026) from the total allowable catch in each area before setting catch limits for the directed fisheries. In 2013, halibut bycatch in the Bering Sea reached a level that not only threatened to preempt the directed halibut fishery but also exceeded the Bering Sea total allowable catch (or Total Constant Exploitation Yield, TCEY, in IPHC terminology), requiring the Commission to contemplate complete preemption of the directed fishery and "borrowing" halibut from the Gulf to cover bycatch—clearly not a scientifically or socially acceptable response. The crisis was averted by voluntary action from the Amendment 80 fleet to reduce bycatch, but the situation highlighted the Council's role in

sustainable management of the halibut stock and directed fishery. The IPHC can only conserve the halibut spawning biomass at times of low abundance by reducing catch limits in the directed fishery. Once the directed fishery catch limit is consumed, the IPHC cannot protect the spawning biomass from unsustainable removals by the bycatch fisheries. At extreme levels of low coastwide abundance (B30), the IPHC's control rule for the directed fishery linearly reduces directed fisheries across all areas and eventually curtails directed harvest if spawning biomass continues to drop (B20). However, no comparable measure is in place for the groundfish fisheries. In other words—no Over Fishing Level (OFL) is specified for halibut at the area or coastwide level in the Council arena, therefore no management response is mandated. As a result, one of the objectives driving ABM was—and is--the need to provide the Council with tools to protect the halibut spawning biomass, particularly at times of low abundance—hence the addition of Element 8 to Alternative 4 (discussed in more detail below).

The other major objective is to prevent the *de facto* reallocation of the halibut resource from the directed fisheries to the bycatch fisheries. As the analysis states: “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.” Again, 026 bycatch is deducted from the TCEY before directed fishery catch limits are set, allowing the bycatch fisheries to preempt the directed fisheries at current levels of abundance under the current fixed caps. Stated in other terms, the directed fisheries bear the full burden of conservation as abundance decreases. In 2020, the IPHC released TCEY numbers for Area 4CDE that projected 86% of the available TCEY would be needed to cover bycatch and allocated only 14%--or 660,000 pounds—to the directed fishery. Because the directed fishery could not operate at that low a catch limit (processors in remote areas would not operate), other Alaska stakeholders gave up quota to accommodate Area 4CDE fishermen. The equity—or inequity of the directed fishery preemption is what stakeholders are asking the Council to address. Given the biological, social, cultural and economic importance of the halibut resource and fishery, these two objectives—conserving the halibut resource and providing for the directed fishery-- are the driving force behind this action and paramount in the evaluation of alternatives.

The connection to alternatives will be discussed in greater detail below, but relative to the purpose and need, we would call the Council's attention to the language on page 16:

“The objective of modifying PSC limits is to index PSC limits to halibut abundance in order to provide flexibility to the groundfish fisheries in times of high halibut abundance, protect spawning biomass of halibut especially at low levels, and stabilize inter-annual variability in PSC limits. Achievement of these objectives could provide additional harvest opportunities in the commercial halibut fishery.”

ALFA requests that the Council clarify that “providing additional harvesting opportunity to the commercial halibut fishery” is also one of your objectives for this action. Clearly the objective of abundance-based management is not to provide stability in PSC limits, since fixed limits are far more stable than abundance-based limits. PSC limit instability is not a problem that needs solving; protection of the halibut resource and stopping preemption of the directed halibut fishery are problems the Council needs to address with this action. In addressing these problems, the Council has signaled its intent to provide some stability in PSC limits on an inter-annual basis, but again—stability is not the objective. Likewise, the caps have never constrained the groundfish fisheries even at the high levels of abundance experienced when the caps were set; this also is not a problem that needs to be solved. ALFA requests that the phrasing of the Council objectives on page 16 be realigned with the original objectives, which are more accurately captured in the bulleted points on page 18. Specifically, we ask that you clarify in the purpose and need that providing opportunity for the directed halibut fishery IS and objective of this action.

### Correcting model results —benefits for directed fishery

For a number of reasons we cannot completely discern, the model is not, in some aspects, adequately reflecting reality and in others seems to dampen benefits to the resource and the directed fisheries of reducing bycatch. For example, Table 6-6 indicates that under Alternative 1 (static cap) or Alternative 2 (higher cap) the directed fisheries would be allocated 75-77% of the BSAI TCEY in 2025. Since the directed fisheries currently receive 48% of the TCEY in the BSAI and the spawning biomass is projected to decline over the next 5-10 years in the model, this outcome cannot be correct. Likewise, Figure 6-2 (p. 190) indicates that the directed fishery yield is not responsive to changes in the PSC, yet IPHC research establishes that the tradeoff between reduced bycatch and increased fishery yield varies between 1:1.8 and 1:1.2, hence directed fishery gains should be of this magnitude.<sup>1</sup> If the model is not capturing the return of halibut from PSC to the directed fishery, one would expect the uncaught halibut would show up as contributing to the spawning biomass, but again—this is not a model outcome. In Figure 6-1 benefits to the spawning biomass are likewise minimal even at with no PSC. These outcomes are counter intuitive and **serve to underestimate benefits to the resource and the directed fisheries of reducing bycatch.** ALFA asks that model assumptions and parameters be re-evaluated prior to the Council taking final action on ABM of halibut bycatch limits.

Likewise, the model does not capture the spatial component of bycatch in the Bering Sea. By considering only impacts and benefits to Area 4ABCDE as a whole, the benefit to the directed fishery of reducing bycatch by even a small amount in a subset of that area is missed. Given the current low catch limits in Area 4CDE, even a 100,000-pound increase in the directed fishery catch limit would provide significant benefits. To assist the Council and public with understanding the benefit to directed halibut fishermen of even small increases in the commercial catch limit we request that the analysts provide a table similar to Table 6-6 but for Area 4CDE only in the next iteration of the analysis.

### Protecting the spawning biomass

The analysts' conclusion relative to Element 8, the B30 control rule are internally inconsistent and downplay the potential for a stock decline. Using low recruitment as the input to test the B30 rule counters the conclusion on page 23 that changes in the halibut stock abundance are insensitive to recruitment. To quote the analysis: “... *changes in stock status are insensitive to changes in recruitment regimes, and other life history changes and only sensitive to changes in fishing mortality levels. In these results, this means that the population is unlikely to fall below 30% of unfished spawning biomass unless the TCEY or PSC limits are large.*” At low levels of abundance PSC limits would be large relative to abundance, hence the B30 rule should be tested at low abundance rather than zero recruitment. Our understanding is that the low recruitment scenario will have a feedback impact on the fishing mortality because the biomass will decline and fishing intensity will increase, as is seen in Figure A2-4, but only after 40 years. We request that Element 8 be tested to determine impacts at low abundance levels of *fishing pressure*, rather than configuring the test around zero recruitment, and that the same model run include the directed fishery B30:20 rule. This would better capture the benefits of the 30:20 directed fishery rule as well as the proposed B30 bycatch control rule. Incorporating this element will also align Council management of halibut PSC caps with the overfishing levels defined by the Council for all other species.

ALFA strongly believes that the analysis downplays the probability of seeing very low abundance levels, overstating the predictive accuracy of the model. The model runs are simulations, not prediction or projections of the future. Additionally, climate change would suggest that basing projections of the future on past conditions would be a mistake. The very low abundance simulation discussed in Appendix 2 is no less probable than the 80% drop in Pacific Cod stocks observed in the Gulf three years ago. In sum, the

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<sup>1</sup> <https://iphc.int/uploads/pdf/am/2020am/iphc-2020-am096-info6.pdf>

simulations are all potential scenarios and good management plans cover all plausible scenarios. We support retaining Element 8 as a component of Alternative 4, adding Element 8 to Alternative 3--or to any alternative the Council ultimately selects.

### Comparing the Alternatives

**Index:** The measure of abundance that matters to the directed fishery is the setline survey. Catch limits for the directed halibut fishery are set based on the abundance of over 26-inch halibut (026). The standardized setline survey measures 026 halibut. Bycatch of 026 halibut is deducted from the area TCEY before the fishery catch limit is set each year. Only by indexing PSC limits to the setline survey will the Council meet the objective of “providing the opportunity for directed fishery harvest.” ALFA strongly supports alternatives 3 and 4 that use the setline survey as the primary index for PSC limits.

To further illustrate the importance of using the setline survey as the primary index, consider a scenario that instead uses the Bering Sea Trawl Survey (BTS) as the index. At a time when U26 inch halibut are abundant and well represented in the BTS, the PSC limit would be high. If during this same time the abundance of 026 halibut was low in the setline survey, the Bering Sea TCEY would be low, bycatch would consume most if not all of the available harvest, and the directed fishery would once again be preempted. In short, the use of the BTS does NOT meet the Council objective of providing for a directed fishery or protecting the spawning biomass.

That said, the BTS does provide a reasonable index of small halibut abundance and could be incorporated as a secondary index to ensure the PSC limit responds to large year classes of small halibut—or the absence of small halibut. The BTS enumerates the under 26-inch halibut that are not included in the setline survey, hence will reflect changes in the relative abundance of this component of the halibut stock and could be used to modify the PSC limit accordingly. Since under 26-inch halibut currently represents less than 40 percent of trawl bycatch, the impact of the BTS secondary index should be comparably limited, if used at all. ALFA would remind the Council that Alternative 4 initially included the BTS as a secondary index. Stakeholders who proposed this alternative would not object to that secondary index being returned to this alternative if the Council sees benefit to a two-index approach.

**The Starting Point:** The analysis—and existing reality—demonstrate that the Council will not restore equity or meaningful opportunity to the directed fishery unless the PSC limit starting point is at or below current PSC use. In fact, as illustrated on page 21, the directed fishery would have been worse off under Alternative 2 from 2013 through the present than it was and is under status quo. Over the years, BSAI directed fishery TCEY has fallen to 48% of the Bering Sea TCEY and the 4CDE directed fishery catch limit has threatened to fall to zero. The Council will not restore a measure of equity to the directed fishery unless the starting point is at or below the current use--and can continue to drop if abundance continues to decline. Alternatives 3 and 4 both meet the objectives of providing for a directed fishery even at times of low abundance largely because the starting point is appropriate and the index is the setline survey which is, again, driven by the abundance of 026 halibut.

In 2015, the Council reduced halibut bycatch caps and a number of Council members committed to further reducing bycatch once the caps were tied to halibut abundance. Page 69 in the analysis establishes that since 2015 abundance has dropped by an additional 15% to 33%, depending on which of the Council’s selected indices are used to reflect that change. Based on commitments made by the Council in 2015, no starting point should be selected that results in a PSC limit that is higher at 2015 levels of abundance than the cap set in 2015 (1745 mt); referring again to page 69: both Figure 2-7 and Table 2-4 illustrate that only Alternatives 3 and 4 meet this criteria. Alternative 2 would establish bycatch caps **higher at 2015 levels of abundance** than the 1745 mt limit approved by the Council—clearly a step away from the objectives of providing for a directed fishery.

**In fact,** Alternative 2 as currently configured does not meet most of the Council’s objectives for this action. First, the Bering Sea Trawl Survey does not track the component of the halibut resource harvested by the directed fishery, hence does little to address the component of abundance critical to resolving the ABM issue, nor does it involve the Amendment 80 sector in sharing the conservation burden. Second, the directed halibut fishery would be worse off under Alternative 2 than they were under the 2015 bycatch reductions, making Alternative 2 a step back from the objective of providing for the directed fishery. Finally, given the high ceiling and floor, Alternative 2 neither complies with MSA National Standard 9 nor does it protect the halibut resource at times of low abundance. ALFA questions the appropriateness of including this alternative in the ABM action, but we recognize the A80 fleet may now wish to make some adjustments to their alternative.

#### Discussion Paper and State of Alaska’s “Look-up” Table

ALFA appreciates the clarity of the Discussion Paper that explains the strengths and weaknesses of a the three by three look up table proposed by the State of Alaska. We understand that the look up table is a visually easier way for Council members and stakeholders to understand abundance-based PSC limits, but because limits move in broad stairsteps it is also far less responsive to changes in abundance, as the analysis points out. The stair steps allow for bycatch to change substantially before the PSC limit is adjusted up or down, which allows bycatch to continue to preempt the directed fishery if bycatch is increasing and might prove limiting to A80 sector if bycatch is declining—but not enough to cross a stairstep. For this reason, we prefer Alternatives 3 or 4. Additionally, as proposed the State’s look-up table uses both indices, and both indices are currently at low levels, which would place the PSC limit starting point in the low:low tier **with nowhere lower to go**. If abundance continues to drop, as it is projected to do based on the IPHC stock assessment, the full burden of conservation will again be placed on the directed fishery since the PSC limit would not be reduced. In essence, the look-up table equates the starting point to the floor and ties PSC limits to abundance only in coarse stairsteps upward. We believe this is a blunt tool for addressing the Council’s identified objectives for this action. The Council would be better served by modifying Element 6 in Alternatives 3 or 4, which controls PSC responsiveness, if additional PSC stability is a Council objective. Likewise, if the Council believes a secondary index is again preferable to a single index, the secondary index that was originally included in Alternative 4 could also be re-incorporated.

In short, whether the Council carries forward with Alternatives 3 and 4 or adopts the coarser approach of a look up table, ALFA requests that the starting points identified in Alternatives 3 and 4 be carried forward and the look up table be modified to ensure the PSC limit can be further reduced if abundance continues to decline after implementation. Finally, any alternative moving forward must include the B30 rule to protect the stock from overfishing at extreme low abundance levels.

#### Conclusion

In closing, ALFA is encouraged by the progress made by the ABM work group and Council staff to describe the alternatives and demonstrate their performance relative to Council objectives. The analysis clarifies the strength of the setline survey as the index that best supports the Council objectives and clarifies that the directed fishery will only realize immediate benefits from this action if the PSC starting point is equal to or lower than the existing PSC cap. That said, the model significantly dampens the impacts of bycatch and hence the benefits to the directed fisheries and the resource of reducing bycatch. While we cannot fully identify why model outcomes are falling short, we highlight that U26 bycatch is still not explicitly incorporated and we are concerned that inappropriate assumptions about migration, bycatch selectivity, the role of recruitment and the lack of spatial considerations for BSAI areas may be driving unlikely outcomes. Although additional delay compounds existing inequities, the Council cannot make an informed decision on a model that does not reflect reality or adequately capture the impacts and benefits of the various alternatives. We strongly recommend that the B30 rule be re-evaluated and that model parameters be reconsidered and tested. Finally, ALFA urges the Council to recommit to the

original objectives of reducing halibut bycatch and providing for a directed fishery, and we support Alternatives 3 and 4 as well designed to meet those objectives.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Behnken". The signature is fluid and cursive, with a long horizontal stroke at the end.

Linda Behnken  
Executive Director