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September 23, 2020

Chairman Simon Kinneen  
North Pacific Fishery Management Council  
605 West 4th, Suite 306  
Anchorage AK 99501  
Submitted electronically

**Re: Agenda Item C6 Halibut ABM Initial Review and Discussion Paper**

Chairman Kinneen and Council Members:

The Aleut Community of Saint Paul Island (ACSPI), a federally recognized Indian tribe located on the Pribilof Islands, submits the following comments on the documents prepared for NPFMC agenda item C6, *BSAI Halibut Abundance Based Management (ABM) – Initial Review and Discussion Paper* during the September /October 2020 meeting. First, we would like to thank the Council for dedicating the time and resources for development of the documents associated with halibut ABM in the Bering Sea and Aleutian Islands (BSAI) region. We appreciate the enthusiasm of the Council and staff members to both share and gather information with stakeholders, practitioners and experts on this issue.

Our relationship to Halibut ABM stems from the high number of tribal members directly and indirectly involved with, and benefiting from, the services provided by the Central Bering Sea Fishermen's Association (CBSFA) on St. Paul Island. CBSFA is our management organization for the Western Alaska Community Development Quota (CDQ) Program. Our local halibut fishery is a major source of employment and income for our community members. Additionally, halibut are a key subsistence resource for our community and are shared widely by local fishermen. For generations, Unangan (or Aleut) fishermen of St. Paul have fished for halibut from small boats in the waters of the Bering Sea surrounding the Pribilof Islands. A traditional part of our diet and Unangan culture, this subsistence fishery experience was the basis for the successful development of the commercial halibut fishery that is now one of the mainstays of Saint Paul's local economy.

CBSFA is a cornerstone of our community, investing in our youth, workforce development, infrastructure, and overall community sustainability. CBSFA makes it a priority to provide funding in a variety of ways to support educational success, improve the quality of life in the community, and contribute heavily in the efforts of other local organizations. CBSFA harvests halibut with small boats and provides an income opportunity directly to CBSFA members. Each year, 70 to 100 people in our community participate in the halibut fishery, from the skippers to the boat crews to the

young onshore baiters. In 2019, 15 vessels participated in the fishery and employed 75 people. In addition to providing harvesting opportunities for the local fleet through its CDQ halibut allocation, CBSFA also provides support services for the fishermen through its Local Fleet Support Program. Further, as noted in the SIA, St. Paul is one of three communities with “virtually complete community fleet dependency on BSAI halibut ex-vessel gross revenues (pg. xxii)”, along with St. George and Savoonga.

We are concerned with Alternatives 1 and 2 in the Draft Environmental Impact Statement (DEIS), as they do not appear to consider the disproportionately high and adverse impacts on direct halibut users – most of whom represent minority populations. We call your attention to National Standards 1, 3, 4, 5, and 8, which collectively require conservation and management measures to prevent overfishing, rebuild depleted stocks, and ensure the long-term health and sustainability of fisheries. In particular, National Standard 8 requires these 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.

We are deeply concerned by the treatment of directed halibut users in the current management scenario as it is inequitable, particularly at low levels of halibut abundance. This inequity stems from the Council’s Purpose and Need Statement for this action, which acknowledges this inequity, and appears throughout the DEIS and SIA. For example, the Social Impact Analysis (SIA) highlighted 17 Bering Sea halibut-dependent communities in its assessment, most of which are overwhelmingly Alaska Native. The SIA indicates that the Regulatory Context (pg. 3-4) assessment of the proposed action is guided largely by National Standard 8, NEPA, and Executive Order 12898 regarding Environmental Justice in Minority and Low-Income Populations. The DEIS does not speak to the importance of National Standard 4 – Equity in Allocations, and more specifically the National Marine Fisheries Service guidelines to National Standard 4 (Section 3 *Factors in Making Allocations*) which state that “[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.” Since the current action, which is partly allocative in nature, could have a disproportionate impact on Alaska Natives, National Standard 4 is a key guide to the NPFMC’s decision-making on this action. Additionally, the Council on Environmental Quality (CEQ) environmental justice guidance under NEPA specifically calls for consideration of potential disproportionately high and adverse impacts to Indian Tribes beyond a more general consideration of potential disproportionately high and adverse impacts to minority populations (Council on Environmental Quality 1997). The identification of such an effect should heighten agency attention to alternatives,

mitigation strategies, monitoring needs, and preferences expressed by the affected community or population.

However, many of our communities have been severely impacted by the status quo and several are no longer participants in the fishery. As such, failure to properly manage the groundfish fisheries responsible for halibut bycatch to the detriment of our communities may have already violated federal trust responsibilities and treaty rights towards Alaska Natives. This is not the way to manage fisheries in an ecosystem-based management system.

As noted in the National Standard 4 guidelines, the NPFMC must take into account the government-to-government relationships and treaties that the pertinent Tribal Governments have with the Federal Government and which may be affected by future NPFMC action. In the case of St. Paul and St. George in particular, as noted by the Department of Interior in 2015 (appended to this letter), Tribal Governments and our Tribal members have federally protected fishing rights - protection of these rights is vitally important. The DOI letter further notes that this requires access to the halibut fishery resource at a level sufficient to sustain the local fishing economy and the subsistence needs of the Tribe.

There are three overarching concerns specific to the DEIS we would like to highlight:

First, 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 – threatening Alaska’s coastal communities, family-owned businesses, ways of life, and our historical dependence on halibut. The Prohibited Species Catch (PSC) cap system must be replaced with a management system that sets the PSC cap in accordance with halibut abundance and links with spawning stock biomass.

Second, action to implement a new management system must include a starting point below current use, or this action has no benefit to the directed fisheries in the Bering Sea and Aleutian Islands (BSAI) and Gulf of Alaska (GOA). Several of the Alternatives presented in the DEIS do not address systemic inequity across stakeholder groups, in particular they are unresponsive to directed halibut fishery needs.

Finally, PSC bycatch reduction should directly benefit the directed fisheries in the BSAI and GOA. Currently, it is not clear to us how a reduction in halibut PSC does not result in at least a 1:1 increase in halibut gained to the directed fishery; however, we interpret the model outputs as not showing this relationship. Further, the DEIS states that a significant dampening effect on the model results in very little to no benefits realized by the directed fisheries with a reduction in PSC. In order to achieve the intent of this action, bycatch reductions must at a minimum equivalently translate into higher catch limits for the directed fishery.

We note there are some apparent disparities between the DEIS and SIA regarding the model. For example, the SIA states, “In the most recent years, the yield-gain ratio has been approximately a 1.2-pound gain to the coastwide directed fishery for a one-pound reduction in coastwide bycatch mortality (pg. 36).” This indicates a positive benefit to directed fisheries through reducing bycatch in particular from A80 usage. The SIA continues, “In particular, a reduction in A80 PSC usage would be more likely to positively affect the halibut spawning biomass if coastwide abundance and halibut fishing intensity were lower and recruitment was substantially higher, but under the present conditions (e.g., low recent recruitment) ***the gains from reduced bycatch mortality are likely to flow more directly to halibut fishery users. This is consistent with the conclusions of the DEIS under the current recruitment conditions to which the operating model is tuned.*** The analysts again note that benefits to directed halibut fishery users in current and future years associated with reductions in PSC mortality are dispersed across IFQ, CDQ, and non-commercial user groups due to the PSC, and is dispersed across areas in future years (inside and outside the BSAI) due to movement of halibut (pg. 37).”

The DEIS, however, details that there is a significant dampening effect on the model and thus there are very little to no benefits realized by the directed fisheries with a reduction in PSC. There must be improvement to the amount of halibut that would flow to the directed users as a reduction in PSC bycatch in order for the Council to meet its Purpose and Need Statement and the objectives of this action. This is but one example where we feel the Council could request further refinement and clarification on in the Halibut ABM documentation under C6 to bring back at a future time for reevaluation.

In the context of ABM, directed halibut fishermen including those that are represented by CBSFA who are also members of the St. Paul Tribe, have expressed a clear preference for Alternative 4 of the action, which they believe and the DEIS shows, is most responsive to the purpose and needs statement and the NPFMC objectives, as well as to federal laws and trust responsibilities towards the Pribilof Aleuts and other Alaska Natives. We feel this alternative, as it is the only one that includes spawning stock biomass, is the closest alternative that addresses the needs of directed halibut users and halibut-dependent communities. This alternative is the most reflective of the three necessary elements mentioned above—1. Setting a starting point below current PSC use; 2. A minimum of 1:1 ratio where bycatch reduction directly benefits the directed fisheries in the BASI and GOA, and 3. Equity among user groups must be restored pursuant of National Standard 4 (and, indeed, Standards 1,3, 5, 8; MSA; EO 12898, and other relevant mandates). Unless these elements are part of the chosen action, those of us who depend on halibut as a critical resource will continue to pay the exceedingly high costs of bycatch and bear the full burden of conserving halibut at low levels of abundance, as has occurred in recent years.

In closing, we appreciate the long-term and detailed work that has been undertaken to collectively address this critical issue. Txichin qagâasakuqing~ Thank you for the opportunity to submit these comments. We look forward to working with the Council and relevant working groups and Council bodies to arrive at a system that considers the needs of all halibut user groups; preserves and protects the participation of coastal fishery-dependent communities like ours; and adheres to the high standards of fisheries management in the North Pacific.

Sincerely,

A handwritten signature in blue ink that reads "Amos T. Philemonoff, Sr." The signature is written in a cursive style with a large initial 'A' and a distinct 'S' at the end.

Amos T. Philemonoff, Sr.

President, Aleut Community of St. Paul Island