



Marine Conservation Alliance

promoting sustainable fisheries to feed the world

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Adak Fisheries, LLC

Alyeska Seafoods

Alaska Crab Coalition

Alaska Draggers Association

Alaska Groundfish Data Bank

Alaska Pacific Seafoods

Aleutian Pribilof Island

Community Development

Association

Akutan, Atka, False Pass, Nelson Lagoon, Nikolski, St. George

At-Sea Processors Association

Bristol Bay Economic

Development Corp.

Aleknagik, Clark's Point, Dillingham, Egegik, Ekuik, Ekwok, King Salmon, Levelock, Manokotak, Naknek, Pilot Point, Port Heiden, Portage Creek, South Naknek, Togiak, Twin Hills, Ugashik

Central Bering Sea Fishermen's

Association

St. Paul

City of Unalaska

Coastal Villages Region Fund

Chefornak, Chevak, Eek, Goodnews Bay, Hooper Bay, Kipnuk, Kongiganak, Kwigillingok, Mekoryuk, Napaskiak, Napaskiak, Newtok, Nightmute, Oscarville, Platinum, Quinhagak, Scammon Bay, Toksook Bay, Tuntutuliak, Tununak

Groundfish Forum

High Seas Catchers

Cooperative

Icicle Seafoods

Mothership Group

PV Excellence

PV Ocean Phoenix

PV Golden Alaska

Norton Sound Economic

Development Corporation

Brevig Mission, Diomedes, Eilm, Gambell, Golovin, Koyuk, Nome, Saint Michael, Savoonga, Shaktoolik, Stebbins, Teller, Unalakleet, Wales, White Mountain

Pacific Seafood Processors

Association

Alaska General Seafoods

Alyeska Seafoods, Inc.

Golden Alaska Seafoods, Inc.

Peter Pan Seafoods, Inc.

Premier Pacific Seafoods, Inc.

Supreme Alaska Seafoods, Inc.

UniSea Inc.

Wards Cove Packing Company

Western Alaska Fisheries, Inc.

Westward Seafoods, Inc.

Prowler Fisheries

Trident Seafoods Corp.

United Catcher Boats

Akutan Catcher Vessel Assoc.

Arctic Enterprise Assoc.

Mothership Fleet Cooperative

Northern Victor Fleet

Peter Pan Fleet Cooperative

Unalaska Co-op

Unisea Fleet Cooperative

Westward Fleet Cooperative

U.S. Seafoods

Waterfront Associates

Western Alaska Fisheries, Inc.

Yukon Delta Fisheries

Development Association

Alakanuk, Emmonak, Grayling, Kotik, Mountain Village, Nunam Iqna

January 9, 2009

Ms Sue Salveson

ATTN: Ellen Sebastian

Assistant Regional Administrator

Sustainable Fisheries Division

Alaska Region NMFS

PO Box 21668

Juneau, AK 99802-1668

Dear Ms Salveson,

Re: RIN 0648-XL28 Proposed BSAI 2009-2010 Harvest Specifications for Groundfish

These comments are being submitted by the Marine Conservation Alliance (MCA) on the Bering Sea/Aleutian Islands (BSAI) proposed 2009 and 2010 groundfish harvest specifications proposed rule. MCA is a coalition of harvesters, processors, and coastal communities involved in the groundfish and shellfish fisheries of Alaska. MCA is commenting in support of the recommendations for 2009 and 2010 catch specifications adopted by the North Pacific Fishery Management Council at its December 2008 meeting.

General Comments

At its December 2008 meeting, the North Pacific Fishery Management Council (NPFMC) made its recommendation to NMFS for BSAI and GOA harvest specifications. In keeping with its decades long practice, the NPFMC followed the advice of its science advisors in setting overfishing limits (OFLs) and acceptable biological catch limits (ABCs) in making its recommendations. Once again, the NPFMC set Total Allowable Catch (TAC) levels at or below the ABCs recommended by its Scientific and Statistical Committee (SSC). This policy, which was codified in the recently reauthorized Magnuson Stevens Act (MSA), is the fundamental basis for the successful conservation and management programs that have resulted in no overfished groundfish stocks in the North Pacific.

In following its long held practice, the NPFMC is also complying with the new provisions of the MSA that require Regional Fishery Management Councils to develop annual catch limits for each of its managed fisheries that may not exceed the fishing level recommendations of its scientific and statistical committee. This change to the MSA was widely hailed by environmental groups as a major

improvement to the nation's premiere fishery law, codifying existing NPFMC practices, and putting science squarely in the forefront of the council process nationally. It is unfortunate, but perhaps not surprising, that not one environmental group acknowledged the NPFMC actions to continue this tradition of "science first" in the catch specification process.

MCA believes that it is important to acknowledge the rigorous scientific process used to develop the NPFMC recommendations. This process begins with the basic survey work done in the field, the extensive analysis performed by the stock assessment authors of the SAFE document including the ecosystem assessments, the work of the various Plan Teams, and finally the considerable work of the SSC. This process, including the models and assessment analyses, incorporates buffers to address uncertainty, takes into account ecosystem factors, and is innovative in its approach to consideration of alternative hypotheses. This science process has been peer reviewed by several scientific groups and is often cited as a model for fisheries management.

Moreover, this process is open and transparent, with the information widely available to the public, whether it be an environmental lobbyist or a resident fisherman from a remote Alaska coastal community. This transparency, coupled with the rigor of the scientific process, leads to an unprecedented acceptance by the regulated public of the results and recommendations developed by the SSC and ultimately the NPFMC.

The reason MCA is providing these general comments on this proposed rule and the NPFMC catch specification recommendations is the ongoing criticism from some quarters that there has been "a failure of the system of checks and balances" envisioned under the MSA because NMFS "rarely rejects or edits FMPs". The standard for meeting the requirements as well as the spirit of the MSA must not be the number of times NMFS rejects or edits an FMP. Quite the contrary, it should be whether or not the scientific and deliberative process is yielding conservation and management decisions that meet conservation goals and are made in accordance with the law. MCA believes that the decades long record of the NPFMC to follow the advice of its scientists, and NMFS' resulting acceptance of the NPFMC recommendations, is demonstrative of a process that is working in both the spirit as well as the substance of the MSA.

BSAI Pollock

One of the more controversial recommendations is in regards to BSAI pollock, particularly eastern Bering Sea (EBS) pollock. The NPFMC recommendation for 2009 of an OFL of 977,000 tons, an ABC of 815,000 tons, and a TAC of 815,000 tons is fully consistent with the recommendations of the SSC, the BSAI Plan Team, and the stock assessment author. This complies with the MSA requirement for councils to set catch levels that do not exceed those recommended by their SSCs.

In making their recommendation, the SSC noted that this year's assessment was a straightforward update of previous years assessments with the addition of new data. This new data comes from an unprecedented three consecutive years of both bottom trawl and hydro-acoustic surveys, which are also expected to continue in 2009 and 2010. This level of survey data is important to reducing uncertainty in the stock assessment process. The SSC also noted that the

updated model and specification process under Tier 1b provides additional conservation and automatic rebuilding. The assessment also concluded that the probability that the stock will fall below B20 is very low (15%). The SSCs recommendation is that the stock be considered in Tier 1b because there is sufficient information to determine B_{msy} and the probability density function for F_{msy} . The SSC concurred with the stock assessment authors and the Plan Team that the maximum permissible 2009 ABC under Tier 1b is 815,000t. The SSC noted that this assessment is supported by substantial survey data, the exploitation rate for spawning pollock has been reduced, and uncertainty has been addressed in both the assessment and harvest control rule.

The stock assessment authors, the SAFE, and the SSC also cite the strong scientific evidence that the 2006 year class appears to be strong, and that there is a strong likelihood that 2010 may see EBS pollock back to levels approaching B_{msy} . Using standardized projection methodology, this results in an ABC of 1.23 million tons and an OFL of 1.43 million tons. The SSC notes that these are preliminary values that will be strongly influenced by next year's survey data and analyses.

While MCA is pleased with this hopeful trend, our support for the 2009/2010 recommendations are not based on this assessment for increases in 2010. Rather, our support is based on the rigorous scientific analyses and transparent public process employed by the NPFMC in its catch specification process.

In supporting the recommendations of the SSC and the NPFMC, MCA has also taken into consideration other factors, such as impacts on Steller sea lions (SSLs), the status of other pollock fisheries such as Bogoslof, and other issues raised during council debate such as the need for additional closures to protect pollock stocks or the potential effects of climate change on pollock.

With regard to SSLs, MCA would note that the most recent SSL survey information indicates that the Eastern Aleutian Islands sub-region, which includes the trend sites potentially most affected by the Bering Sea pollock fishery, is the only region with consistently increasing SSL counts (7+%). This data, along with new information on natality and other ongoing scientific studies on factors affecting SSL recovery will be fully analyzed during the pending revisions to the SSL BiOp slated for later this year. In the meantime, the precautionary approach used to determine the 2009 catch specifications, including the buffers between OFL and ABC values, provide protections for SSLs consistent with existing mitigation requirements.

Some commentators on the proposed 2009/2010 catch specifications have also cited the continuing closure of other pollock fisheries as signs that there are systemic problems with pollock production. One such case that has been raised is Bogoslof. This is particularly egregious because it is widely known that the Bogoslof closure is part of an international agreement to manage the Central Bering Sea "donut hole". That agreement provides a trigger of 1 million tons in Bogoslof for a fishery to commence in the donut hole as well as the Bogoslof area. Unless that trigger is reached (or the six nations who are party to the agreement concur otherwise) both the donut hole and Bogoslof remain closed. This was a concession the United States made to the distant water fishing nations (Japan, China, ROK) in order to get their agreement to close the donut hole to pollock fishing. The current levels of biomass in Bogoslof would allow for a fishery if this international rule were not in place. Perhaps these commentators

would like for the United States to revisit this agreement and provide for both a donut hole fishery and a Bogoslof fishery by revoking these provisions. If so, they should bring such a proposal to the NPFMC for consideration.

Similarly, to suggest that the Aleutian Islands pollock fishery is closed because of pollock stock status ignores the facts. The biomass of pollock in the AI region supports an ABC of approximately 27,000 tons, which would accommodate a fishery in the region. But operationally this fishery is limited because of SSL protection measures. In other words, the NPFMC is being charged with mishandling pollock conservation by closing areas to pollock fishing to protect SSLs.

Finally, some of these same commentators have suggested that because of the level of harvest, there is a need for new Marine Protected Area closures to further protect pollock stocks. In these same comments they also note that “pollock often migrate large distances”, a seeming inconsistency. While MCA agrees that area closures targeted to address specific resource concerns can be a useful management tool, we have a hard time understanding how or where MPAs or additional closures would be appropriate to address pollock conservation concerns. In the BSAI and Gulf of Alaska, the NPFMC has already closed roughly 500,000 sq miles to bottom trawling or all fishing to protect fishery habitat and address other resource issues. It is poised to close the entire U.S. Arctic as well. Once the Arctic closure is implemented, the total area closed in the North Pacific will be roughly 650,000 sq miles -- an area over 5 times the area of the entire United States National Park system. This is an exemplary record, not only because of the area encompassed, but also because all of these closures, unlike other recent actions (Antiquities Act closures for example) have been implemented through the MSA with a complete NEPA review, and an extensive public process.

Conclusion

MCA supports the science based catch specifications recommended by the NPFMC to NMFS. MCA notes that these specifications fulfill the spirit and substance of the MSA, and that they are based on the best scientific information available. MCA believes that other tangential issues raised during the NPFMC deliberations and this public comment period have been addressed or have minimal relevance to setting catch levels for 2009.

Thank you for this opportunity to comment

Sincerely,



David Benton
Executive Director

Copy: Mr. Eric Olson, Chair, North Pacific Fishery Management Council