



# North Pacific Fishery Management Council

Simon Kinneen, Chair | David Witherell, Executive Director  
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May 9, 2019

Glenn Merrill, Assistant Regional Administrator  
Sustainable Fisheries Division Alaska Region, NMFS  
ATTN: Ellen Sebastian  
P.O. Box 21668  
Juneau, AK 99802-1668

Dear Mr. Merrill:

On behalf of the North Pacific Council, I am providing comments on the proposed rule to implement catch handling and monitoring requirements to allow halibut bycatch to be sorted on the deck of catcher/processors and motherships when operating in the non-pollock groundfish fisheries. We are pleased that this program has been developed through an industry/agency partnership that allowed field testing of many of the components of this program, and believe that the implementing regulations should adhere to the experience gained in several years of field testing.

The Council's primary objective of a deck sorting program is to reduce halibut mortality and regulations must maximize the potential halibut survival benefits of this program. The focus of regulations should not be to modify halibut handling practices to fit in with NMFS data collection protocols, but rather to enhance release and survival of incidentally caught halibut. For example, changing the observer sampling protocols could slow the return of halibut to the sea, thereby increasing mortality. The Council is concerned that some types of revised collection methods could inhibit the deck sorting program from meeting the primary objective of reducing halibut mortality.

The Council understands there is tension between the need to specify details on observer sampling methods in the regulations and the need for flexibility to adjust to new technologies and changes in observer sampling methods. The Council recommends that deck sorting requirements start with the 2019 data collection methodology, including a 35-minute sorting time limit for all participants (not vessel specific time limits). Vessel specific time limits have never been field-tested, and yet are included in the proposed rule, which concerns the Council. Further, the Council's SSC noted that the observer's halibut viability estimates are subjective, and that grouping across all vessels reduces this subjectivity.

The Council notes that there is quite a bit of specificity in the proposed rule regarding on crew requirements for deck sorting based on what was learned during EFP testing, but there is very little specificity on the observer sampling requirements. We recommend that observer sampling requirements and data collection be based on the 2019 methodology, at least for the first year of the program. Any future changes to data collection methods should be developed in consultation with the Council to ensure that the primary objective of halibut mortality reduction is achieved. Specifically, the Council intends to annually review any proposed changes to oversight, observer requirements, and catch accounting protocols to ensure that adaptive management of the deck sorting program remains consistent with the primary objective. Additionally, at any time during the year when changes are proposed or made, NMFS should highlight these changes in its management report at the next Council meeting.

Thank you for the opportunity to provide comments on this proposed rule. We believe that allowing deck sorting is yet another important milestone in the history of sustainable fisheries management in the North Pacific.

Sincerely,

A handwritten signature in cursive script, appearing to read "Simon Kinneen".

Simon Kinneen  
Chairman  
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