

## **CITY AND BOROUGH OF SITKA**

### **RESOLUTION NO. 2024-13**

#### **A RESOLUTION OF THE CITY AND BOROUGH OF SITKA SUPPORTING AMENDMENT 123 TO THE FISHERY MANAGEMENT PLAN (FMP) FOR GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS (BSAI) MANAGEMENT AREA WHICH AMENDS REGULATIONS GOVERNING LIMITS ON THE PACIFIC HALIBUT PROHIBITED SPECIES CATCH (PSC) AND LINKS THE HALIBUT PSC LIMIT FOR THE AMENDMENT 80 COMMERCIAL GROUND FISH TRAWL FLEET IN THE BSAI GROUND FISH FISHERIES TO HALIBUT ABUNDANCE**

**WHEREAS**, on December 2021, the North Pacific Fishery Management Council (NPFMC) recommended, and the National Marine Fisheries Service (NMFS) proposed, Amendment 123 (A-123) which links the halibut PSC limit for the Amendment 80 (A-80) commercial groundfish trawl fleet in the BSAI groundfish fisheries to halibut abundance thereby intending to minimize halibut PSC to the extent practicable while achieving optimum yield in the BSAI groundfish fisheries on a continuing basis; and

**WHEREAS**, based on a review of the scientific information and consideration of the revised National Standard guidelines, the NPFMC and NMFS determined that reducing halibut PSC with declining halibut abundance provides conservation benefits, as defined by the Magnuson-Stevens Act, to the halibut resource; and

**WHEREAS**, linking PSC limits to halibut abundance is more equitable than the prior static PSC limit because when BSAI halibut abundance declines, a static level of halibut PSC in the Amendment 80 fisheries can represent a greater proportion of total halibut removals in the BSAI, particularly in Area 4CDE, and can reduce the proportion of halibut available for harvest in directed halibut fisheries; and

**WHEREAS**, A-123 provides incentives for the A-80 fleet to minimize halibut mortality at all times, and may provide indirect benefits to communities that rely on directed fishing for halibut; and

**WHEREAS**, the halibut fishery is vital to Sitka's economy, its local fishermen and working families and crews, its social fabric and well-being, and local subsistence users and beneficiaries; and

**WHEREAS**, in order to maximize the benefits of the halibut fishery to Sitka, the City has invested in infrastructure that supports the community's local halibut fishermen and families, including most recently investing \$8.3 million in a vessel haul out and boatyard; and

**WHEREAS**, the A-123 Final Rule was published on November 23, 2023, subsequent to which on December 19, 2023, the Groundfish Forum (GFF) in representation of the A-80 groundfish trawl sector filed a lawsuit in the United States District Court for the District of Alaska requesting that the Court vacate NMFS' decision approving A-123 and remanding it to NMFS to address serious errors; and

**WHEREAS**, on February 6, 2024, in recognition of the importance of supporting the NPFMC's action and NMFS' implementation of A-123, a group of halibut dependent stakeholders known as the Halibut Defense Alliance (HDA) moved to intervene in the lawsuit as defendants on the side of NMFS; and


**WHEREAS**, on April 26, 2024, the plaintiff, GFF, filed a Motion for Summary Judgment stating that A-123 is "arbitrary, capricious, and contrary to the law" and requested that it be vacated; and

**WHEREAS**, if successful, the plaintiff's motion would impair Sitka's immediate economic interests through reduced revenues, depressed quota values, increased economic uncertainty, and reduced tax revenues from businesses either participating in or providing services to the halibut fishery, as the history under the prior bycatch limits confirms; and

**WHEREAS**, such outcome would also impair Sitka's economic interests in the longer term, because juvenile halibut taken as bycatch in the BSAI cannot migrate to other areas to support either the halibut spawning stock or active fisheries there.

**NOW, THEREFORE, BE IT RESOLVED** that the Assembly of the City and Borough of Sitka supports Amendment 123 linking the halibut PSC limit for the Amendment 80 fleet in the BSAI groundfish fisheries to halibut abundance.

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska on this 28<sup>th</sup> day of May, 2024.

  
Kevin Mosher, Deputy Mayor

ATTEST:

  
Sara Peterson, MMC  
Municipal Clerk

1<sup>st</sup> and final reading: 5/28/2024

Sponsors: Ystad / Mosher