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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

GROUND FISH FORUM, INC.,

Plaintiff,

v.

NATIONAL MARINE FISHERIES
SERVICE, *et al.*,

Defendants.

Case No. 3:23-cv-00283-JMK

DECLARATION OF NELS EVENS

Groundfish Forum, Inc. v. NMFS
Case No. 3:23-cv-00283-JMK

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Ex. J, p. 1

I, Nels Evens, declare as follows:

1. I am over 21 years of age and under no legal disability. The facts stated in this declaration are true and correct based on my personal knowledge and my review of business records. I give this declaration voluntarily for use in support of the motion to intervene in the above-captioned litigation filed on behalf of the Petersburg Vessel Owners Association and for all other purposes allowed by law.

2. I am the Executive Director of the Petersburg Vessel Owners Association (PVOA) and the owner of Fishing Vessel Alavia. PVOA is an advocacy group based in Petersburg, Alaska. Our mission is to protect the economic viability of the commercial fishing fleet in Petersburg; promote the conservation and rational management of North Pacific fisheries resources; and advocate the need for protection of fisheries habitat.

3. PVOA's members consist of a diverse group of over 100 commercial fishermen and fishery-related businesses in Alaska. In addition to representing the interests of its members in front of the North Pacific Fishery Management Council (Council), the International Pacific Halibut Commission (IPHC), and other management bodies, PVOA takes pride in giving back to the Petersburg community. For over 25 years, PVOA has provided scholarships to

graduating seniors of Petersburg High School to pursue vocational training or advancement of the fishing industry.

4. The commercial halibut fishery is critically important to our members. Nearly all of our members currently participate in, or have participated in, the directed halibut fishery, in positions including crewmember, captain, vessel owner, or quota holder. Every member of the Board and most members of PVOA rely on halibut as at least part of their business and want to support better management of the halibut stock.

5. A strong halibut fishery means that our members are able to earn more income, which they can spend on businesses, crew, vessels, and the community. A consistently healthy resource also leads to more investment and involvement in the fishery, as fishermen see it as a reliable resource that can be utilized for years to come.

6. Petersburg is a town with a strong history of longline fishing. Not only do many fishermen rely on halibut for part of their yearly income, but they also see halibut fishing as a way of life and a part of their identity, as well as the identity of the community as a whole.

7. Excessive bycatch during periods of low halibut abundance, as we are experiencing now, has led to decreased harvest levels for our members. As quotas fall and it becomes harder to catch and harvest halibut, many of our

members have faced economic hardship through loss of income and opportunity. Many of our members have had to turn to other fisheries, or to devote greater levels of effort and investment in those other fisheries, due to the challenges facing the directed halibut fishery.

8. The level of investment required to get into the directed halibut fishery is very high, and this capital investment is often financed by debt. Maintaining a healthy halibut resource is important so that our members can both make their payments and pay their crew. Unfortunately, fishermen have been staying away from investing in the halibut fishery because they know close friends and family members who bought in when quotas were high and have seen their quotas cut drastically as halibut declined while debt payments have stayed the same.

9. PVOA and our members consider abundance-based management of bycatch to be an important and common-sense way to deal with bycatch limits. Nearly all of the fisheries our members are involved in — including the directed halibut fishery, directed salmon fishery, directed sablefish fishery, and the golden king crab fishery, as examples — are managed based on abundance. There is no logical reason why the limits for groundfish trawlers, including the Amendment 80 fleet, should not be subject to the same considerations.

10. Halibut fishermen homeported in Petersburg are harmed by halibut bycatch in the Bering Sea. The Bering Sea is a known nursery habitat for juvenile halibut, which migrate south and east to other areas along Alaska's coast. As these juvenile halibut grow and mature, they recruit into the directed fishery and contribute to the halibut population's spawning stock. When juvenile halibut are killed as bycatch in the Bering Sea, they are never able to migrate, grow, or reproduce. This reduces the amount of halibut available to the directed fishery and harms the overall management of the population.

11. If Amendment 123 were invalidated, our members' economic interests in the halibut industry would be harmed. It would result in lower and unstable quotas for the directed halibut fishery in upcoming years, leading to less revenue and less incentive to invest in the fishery. Our members would also be subject to a return to an irrational management framework that ignores the status of the halibut population when bycatch limits are set, and that unfairly and inequitably favors groundfish trawlers over directed halibut fishers.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on the 1st day of February, 2024.

Nels Evens

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