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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 ROBERT ALVERSON**

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

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Ex. D, p. 1

I, Robert Alverson, declare as follows:

1. I am over 21 years of age and under no legal disability. The facts stated in this affidavit 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 filed by the Fishing Vessel Owners' Association (FVOA) and for all other purposes allowed by law.

2. I am FVOA's General Manager, a position I have held since 1976. FVOA is a trade association based in Seattle, Washington that represents longline vessel operators. FVOA was formed in 1914 to represent the needs of halibut boat owners involved in longline fishing in the North Pacific. FVOA's members were some of the first commercial halibut fishermen to enter the Bering Sea and Aleutian Islands (BSAI) in the 1930s. Today, FVOA's membership includes 94 fishing families that, collectively, harvest in all areas of the Pacific halibut fishery, including the BSAI and the Gulf of Alaska.

3. FVOA's members have deep commercial and cultural interests in halibut and the halibut fishery. Halibut fishing is a way of life for FVOA's members. Halibut fishing is also their primary source of income, typically representing between 50% to 70% of their income annually. Our members' dependence on halibut has increased recently, however, due to a collapse in sablefish and Pacific cod prices. Without a healthy halibut resource and

adequate catch limits, FVOA's members will be unable to earn a living fishing commercially. They also will not have the income stability they need to pay for vessel maintenance, wages, and upgrades in fishing gear and electronics.

4. Effective and responsible management of the halibut fishery has been a key priority of FVOA since the organization was founded. FVOA was one of the original organizations that helped consolidate Canadian and U.S. fishermen to form the International Pacific Halibut Commission (IPHC) in 1924. FVOA remains deeply involved in halibut management today. FVOA regularly participates in fishery policy and regulatory decisions through the North Pacific Fishery Management Council, the Pacific Fishery Management Council, the National Marine Fisheries Service, and the IPHC. In these efforts, FVOA represents the interests of its members on matters affecting the halibut resource.

5. FVOA has advocated for reductions in halibut bycatch by groundfish trawlers and abundance-based management of halibut bycatch for almost 50 years. By way of example, FVOA first suggested a change to abundance-based management of halibut bycatch in 1977. In the decades since, FVOA has advocated a wide variety of measures to conserve halibut stocks and limit halibut bycatch, including adoption of a management system to reduce halibut bycatch by foreign trawlers; implementation of an

observation program to account for domestic halibut bycatch; setting and then reducing limits on domestic halibut bycatch, and, most recently, setting bycatch limits for the Amendment 80 fleet that vary with halibut abundance. These are just a few examples of FVOA's efforts to limit the amount of halibut that is killed as bycatch by the groundfish trawling fleet.

6. Bycatch by the Amendment 80 fleet of groundfish trawlers is especially harmful to the halibut resource. The Amendment 80 fleet's bycatch is highly concentrated in IPHC Regulatory Area 4CDE, which is a known nursery area for juvenile halibut. As a result, the fleet's bycatch consists of a large number of juvenile halibut, less than 32 inches in length, that are not mature enough to have spawned. By comparison, directed fishers are prohibited from harvesting such juvenile fish. The Amendment 80 fleet is therefore removing large numbers of juvenile halibut from the BSAI before the fish attain legal size, before they can spawn to support long-term growth of the halibut resource, and before they can migrate to other coastal areas. Excessive mortality of juvenile fish has long-term implications for halibut stocks coastwide.

7. Linking halibut bycatch limits to abundance is critical to FVOA's members. Under the system used to manage Pacific halibut, the IPHC sets the total limits on halibut removals each year, but the North Pacific Council and

NMFS are responsible for setting bycatch limits. Halibut killed as bycatch are subtracted from the total amount of halibut that can be removed each year. Halibut bycatch thus directly reduces the directed fishery's allowable catch. It also results in significant mortality of juvenile halibut, which never grow large enough to recruit to the fishery or to spawn and contribute to the halibut population.

8. When halibut abundance declined but bycatch limits remained constant, as with the Amendment 80 fleet before Amendment 123 was adopted, bycatch consumed a larger and larger share of the allowable halibut catch. In that circumstance, FVOA's members and others involved in the halibut fishery were forced to bear the entire burden of this bycatch, because the only way to limit halibut removals and conserve the stock was to reduce their catch. As a result, FVOA's members suffered devastating cuts to their allowable catch as abundance declined.

9. FVOA participated directly in the process that resulted in the adoption of Amendment 123. FVOA worked with the North Pacific Council to design abundance-based management options and testified numerous times in relation to Amendment 123. FVOA also submitted written comments on Amendment 123. While FVOA supports Amendment 123's implementation of abundance-based management of halibut bycatch, it advocated for bycatch

reductions greater than those ultimately adopted by the North Pacific Council in Amendment 123.

10. Excessive halibut bycatch harms the interests of FVOA's members by reducing their harvest limits in the BSAI and by reducing the density of halibut in the fishery. A lower density of halibut reduces the catch rate, meaning that it takes more effort to harvest the halibut that is allocated to the directed fishery. Over the last five years, directed halibut harvest limits and catch rates have been so poor that it was not economically feasible to fish in several of the BSAI areas. As a result, participation in the directed fishery in these areas has decreased. The reduced participation of directed halibut fishers — combined with low catch rates — is the main reason why the directed fisheries harvest limit was not reached in 2023.

11. FVOA's members would be substantially harmed if Amendment 123 were vacated and the Amendment 80 fleet's higher, fixed bycatch limit of 1,745 mt were reinstated. For FVOA's members that fish in the BSAI, reverting to the fixed halibut bycatch limit would result in lower harvest limits, reduced catch rates, and could even effectively close the directed halibut fishery. For FVOA's members that fish outside of the BSAI, halibut harvest would be curtailed due to removal of small halibut from the BSAI before they can migrate to downstream areas.

12. In addition, reverting to the higher fixed halibut bycatch limits would harm FVOA's interest in the long-term health of the halibut fishery. The BSAI comprises a large proportion of juvenile halibut and halibut bycatch from Area 4CDE consists primarily of juvenile fish. Removing large numbers of juvenile halibut as bycatch before they have a chance to reproduce has long-term negative effects on the halibut fishery and population.

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 31<sup>st</sup> day of January, 2024.



Robert Alverson