

John L. Fortuna, *Pro Hac Vice*
Ari S. Gordin, *Pro Hac Vice*
JONES FORTUNA LP
111-A New Street
Decatur, GA 30030
Telephone: 404-282-4725
jfortuna@jonesfortuna.com
agordin@jonesfortuna.com

Attorneys for the Central Bering Sea Fishermen's Association, City of Saint Paul, Alaska, Alaska Longline Fishermen's Association, Fishing Vessel Owners' Association, Homer Charter Association, The Boat Company, Petersburg Vessel Owners' Association, Alaska Marine Conservation Council, Halibut Association of North America, North Pacific Fisheries Association, Aleut Community of St. Paul Island Tribal Government, and the Seafood Producers Cooperative

**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 PHILLIP A. ZAVADIL

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

1

Ex. E, p. 1

I, Phillip A. Zavadil, 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 City of Saint Paul, Alaska and for all other purposes allowed by law.

2. I am the City Manager of the City of Saint Paul, Alaska. The City of Saint Paul is the municipal government for the approximately 335 residents of Saint Paul Island. The majority of residents are of Alaska Native background, specifically of the Unangax/Aleut ethnicity. Saint Paul is home to one of the largest concentrated rural populations of Unangan in the world. The City's limits encompass the entirety of Saint Paul Island and extend three geographical miles beyond the island into the Bering Sea. The City was incorporated in 1971 under the laws of the State of Alaska and became a second-class city, thus assuming the responsibility and authority to provide public services from the United States government. With an area of 44 square miles, Saint Paul Island is the largest of the Pribilof Islands.

3. The residents of the City of Saint Paul are highly engaged in the halibut fishery. During the summer months, the fishery employs local

fishermen, families, and crews. A large portion of the City's population are fishermen that own vessels homeported at Saint Paul Island or crewmembers that work on these vessels. Others work in businesses that support the halibut fleet. Many of the boat owners and crew members are also community leaders, serving in positions of local government, tribal government, and on local community organizations. The ability to serve in these leadership roles arises from income made as halibut fishermen during the summer season.

4. Halibut harvested by a local fleet of small vessels has historically been delivered on-shore to facilities within the City of Saint Paul for processing and packaging. The Trident Seafoods Plant in Saint Paul Island has historically been a major employer of local residents. Income from employment in the halibut fishery and processing facilities contributes to local business activity in the City of Saint Paul and provides tax revenues to the City of Saint Paul. Fishing is the primary source of economic activity for the City of Saint Paul, and the local halibut fishery is critical to the economic, social, and cultural well-being of the City of Saint Paul.

5. The halibut fishery has important subsistence value for the residents of the City of Saint Paul, especially elderly and poor residents. Given its remote location, importing foodstuffs to the island is expensive and contributes to an overall high cost of living. Subsistence fishing for halibut

gives local residents a fresh, healthy and local food option that is often cheaper than imported foodstuffs, helping the finances of local households.

6. Halibut is culturally and socially important to the City of Saint Paul. The sharing of halibut caught as subsistence is core to the community's Unangam identity, shared social fabric, and culture. These elements in turn are important to the community's overall well-being. The community comes to life in the summer season with the activities associated with the halibut fishery. During difficult economic times associated with fishery resource declines such as halibut, incidences of crime, substance dependence, and outward migration rise, affecting the community's outlook and future.

7. Before the 1980s, Saint Paul Island was largely reliant on the harvesting of fur seal. When the federal government banned fur seal harvesting in 1983, it directed Saint Paul Island to develop a fisheries-based economy. Saint Paul Island undertook that challenge and successfully developed crab and halibut fisheries. This came at great cost, requiring the City of Saint Paul, which is managed by a city council elected from the community, to invest heavily in fishery related infrastructure. These investments include long-term development, expansion, upgrades, and maintenance to the Saint Paul Harbor at a total federal, state, and local cost of approximately \$97,000,000 and construction of a \$21,000,000 small boat

harbor designed exclusively to harvest halibut in Area 4CDE of the Bering Sea. These public investments and others totaling close to \$150,000,000 were greatly beneficial to the Bering Sea commercial fisheries, in particular the crab fisheries, and allowed for the development of the local small boat halibut fishery. However, they have resulted in considerable long-term debt for the City of Saint Paul.

8. The collapse of the snow crab populations in the Bering Sea resulted in drastic crab reductions for the 2021-2022 season and complete closure for the 2022-2024 seasons. The crab fishery underpinned operations of the local Trident Seafood Plant, especially during winter months when the halibut fishery is closed. Due to the collapse of the crab fishery, however, it was no longer cost effective to keep the plant open and to pay its staff, making the halibut fishery an even more important source of income and subsistence for Saint Paul Island's residents.

9. Directed halibut catch limits are tied to halibut abundance, while halibut bycatch limits have historically been set at fixed levels. As halibut abundance sharply declined throughout the 2000's, halibut bycatch in the Bering Sea made up a larger and larger proportion of halibut removals. Eventually, bycatch exceeded the directed halibut catch, meaning most halibut was being discarded and wasted rather than being harvested to benefit

residents of Saint Paul Island and similar communities. Each halibut killed as bycatch means less halibut available for harvest, processing, packaging, and sale. The decline of halibut abundance relative to historical levels has left directed halibut fishers with an increasingly smaller share of the halibut resource as compared to bycatch mortality.

10. The City of Saint Paul has consistently supported efforts to reduce bycatch limits so that more halibut is available to the directed fishery. In December 2014, the City supported emergency action to reduce bycatch by 33%, and in 2015 the City supported reducing bycatch limits as part of Amendment 111. Outside of the regulatory process, the City has supported fishing industry-driven efforts to reduce halibut mortality and bycatch while targeting groundfish. Unfortunately, the bycatch reductions achieved through these efforts were not enough to restore the halibut resource and the viability of the directed fishery.

11. For over a decade, the City of Saint Paul has advocated for a shift to abundance-based management of bycatch limits. As the halibut resource has remained at alarmingly low levels, the City of Saint Paul has advocated before the North Pacific Fishery Management Council, the International Pacific Halibut Commission, the U.S. Congress, and the National Marine Fisheries Service to reduce bycatch of halibut and manage the entire resource, including

bycatch, based on abundance. Setting bycatch limits based on abundance is the only way to achieve equitable division of the burdens of conservation among user groups.

12. The City of Saint Paul was an active participant in the process to adopt Amendment 123 and to implement abundance-based management of bycatch. The City submitted comments to the Council on multiple occasions and testified in favor of abundance-based management in front of the Council. While the City supported Alternative 4, which envisioned larger reductions in bycatch limits, it adamantly supported the shift to abundance-based management.

13. If Amendment 123 were invalidated, the benefits and equity realized from abundance-based management and reduced bycatch limits would be lost. A return to higher bycatch limits would harm the City of Saint Paul and its residents by letting excessive and inequitable amounts of halibut be wasted as bycatch, leaving less for directed fishers and processors, many of whom live on Saint Paul Island.

14. Reverting to fixed bycatch limits that do not reflect actual halibut abundance would also harm the long-term health of the resource. One of Saint Paul's primary priorities is to recover halibut to healthy levels, something that is essential for the community to survive. Allowing bycatch limits that remain

fixed at high levels, despite low halibut abundance, would impede eventual recovery of the halibut stock and harm the City of Saint Paul's ability to survive and prosper.

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 2 day of February, 2024.



Phillip A. Zavadil