

Central Bering Sea Fishermen's Association
St. Paul Island, Alaska
November 10, 2024

Press Statement
For immediate release

The Central Bering Sea Fishermen's Association (CBSFA) is pleased to announce that on November 8, 2024, the U.S. District Court for the District of Alaska (Judge Gleason) issued a decision upholding Amendment 123 to the BSAI Groundfish Fishery Management Plan. The ruling, which rejected challenges by the Groundfish Forum, affirms the adoption of "Abundance-Based Management" (ABM) of halibut bycatch by the Amendment 80 (A80) sector. As a result, the abundance-linked bycatch limits in Amendment 123 will remain in effect, benefiting halibut users, fishing families, and halibut-dependent communities throughout the BSAI and beyond.

CBSFA is the CDQ entity for St. Paul in the Pribilof Islands, and manages the CDQ allocations of halibut, crab and groundfish to the community, in addition to the group's further investments in the fisheries of the Bering Sea. Halibut fishing in small boats is the economic and cultural lifeblood of St. Paul, and the local fleet has been negatively affected by halibut bycatch in other fisheries. CBSFA has engaged at the North Pacific Fishery Management Council (NPFMC or Council) for many years in support of meaningful regulatory action to better manage and reduce halibut bycatch.

"CBSFA has worked for nearly a decade to have the management of halibut bycatch changed to be more responsive to changes in the health of the halibut resource – to be abundance-based – and now we finally have closure," said CBSFA President Ray Melovidov in response to the ruling.

"The halibut fishing families in our community can be assured that the halibut resource will continue to be managed more fairly and appropriately. We wanted improved equity and stability in the halibut fishery, and now we have it. Our future is brighter," said Melovidov.

"The ruling upholds the Council's decision, and rightly so. The Council is where fisheries management decisions should be taking place. I hope this decision strengthens people's trust in the Council process and the Council's ability, and deters future attempts at fisheries management by litigation," said Melovidov.

In a thorough and well-reasoned opinion, the federal district court rejected each of A80's challenges to the new limits — holding that Amendment 123 did not violate the Magnuson-Stevens Fishery Conservation and Management Act (MSA); the Administrative Procedure Act (APA); or the National Environmental Policy Act (NEPA).

The court rejected A80's claim that Amendment 123 violated National Standard 4, which requires any "allocation of fishing privileges" to be "fair and equitable" and "reasonably

calculated to promote conservation.” The court likewise rejected A80’s claims that the reduced limits violate National Standard 9, and agreed with the National Marine Fisheries Service (NMFS) that Amendment 123 was “practicable.”

Finally, the court rejected A80’s claim that NMFS violated NEPA by improperly focusing only on the A80 sector.

CBSFA was joined by the City of St. Paul, the Tribal Government of St. Paul and nine other community, conservation and halibut industry entities as intervenors in the lawsuit on the side of NMFS. The State of Alaska, Senator Dan Sullivan, Representative Mary Peltola, and several additional Alaska community, fishing and economic development groups submitted amicus briefs in support of the halibut ABM action.

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Link to the decision:

<https://storage.courtlistener.com/recap/gov.uscourts.akd.72555/gov.uscourts.akd.72555.60.0.pdf>

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