



Marine Conservation Alliance

promoting sustainable fisheries to feed the world

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Adak Community Development Corporation

Alaska Bering Sea Crabbers

Alaska Longline Co.

Alaska Whitefish Trawlers Association

Alaska Groundfish Data Bank
International Seafoods of Alaska, North Pacific Seafoods, Trident Seafoods, Western Alaska Fisheries

Alaska Scallop Association

Aleutian Pribilof Island Community Development Association

Akutan, Atka, False Pass, Nelson Lagoon, Nikolski, St. George

Arctic Storm Management Group

Bristol Bay Economic Development Corporation

Aleknagik, Clark's Point, Dillingham, Egegik, Ekuk, Ekwok, King Salmon, Levelock, Manokotak, Naknek, Pilot Point, Port Heiden, Portage Creek, South Naknek, Togiak, Twin Hills, Ugashik

Central Bering Sea Fishermen's Association

St. Paul

City of Unalaska

Glacier Fish Company

Groundfish Forum

Fishermen's Finest, Iqique US, Ocean Peace, O'Hara Corporation, United States Seafoods

High Seas Catchers

Ocean Harvester, Sea Storm, Neahkahnie

Icicle Seafoods

Norton Sound Economic Development Corporation

Brevig Mission, Diomedes, Elm, Gambell, Golovin, Koyuk, Nome, Saint Michael, Savoonga, Shaktoolik, Stebbins, Teller, Unalakleet, Wales, White Mountain

Pacific Seafood Processors Association

Alaska General Seafoods, Alyeska Seafoods, Golden Alaska Seafoods, North Pacific Seafoods, Peter Pan Seafoods, Phoenix Processor Limited Partnership, Trident Seafoods, UniSea, Westward Seafoods

United Catcher Boats

Akutan Catcher Vessel Association

Mothership Fleet Cooperative

Northem Victor Fleet

Peter Pan Fleet Cooperative

Unalaska Co-op

Unisea Fleet Cooperative

F/V Arctic Wind, F/V Caitlin Ann, F/V Dona Maria, F/V Pacific Prince

Waterfront Associates

August 26, 2013

Matt Brookhart, Chief, Policy & Planning Division
NOAA Office of National Marine Sanctuaries
1305 East-West Highway, 11th Floor
Silver Spring, MD 20910

RE: Proposed Rule for designation of National Marine Sanctuaries (RIN 0648-BD20)

Dear Mr. Brookhart,

On behalf of the members of the Marine Conservation Alliance (MCA) I thank you for the opportunity to comment on the Proposed Rule to re-establish the sanctuary nomination process and to amend regulations for nominating and evaluating sites for eligibility as a National Marine Sanctuary.

The Marine Conservation Alliance is a group of seafood harvesters, processors, coastal communities, and western Alaska Community Development Quota groups who are dedicated to the sustainable use of fisheries resources off Alaska. Our purpose is to seek science-based, practical solutions to marine resource management issues and it is through this lens that we offer the following comment.

The proposed rule indicates that NOAA is striving to shift from a top-down approach, to a bottom up approach that is driven – in particular – by local community interest. MCA is generally supportive of stakeholder-driven processes, however the focus the proposed rule has on local community interest is perplexing on several fronts. For instance, no definition is given for what would constitute a “local community interest”. Will a person who resides far from an area, but frequently uses that area be considered local? Secondly it is not clear why a local community interest should be given more weight than the interests of other stakeholders. The fisheries of the North Pacific and Bering Sea/Aleutian Islands generate billions of dollars of economic output in Alaska, the Pacific Northwest, and throughout the country. Stakeholders who are permitted to participate in these fisheries converge on the Gulf of Alaska and Bering Sea/Aleutian Islands from all over the U.S. and Alaska every year to harvest the region’s abundant fisheries resources. Harvesters from far away states and from every corner of Alaska deliver fisheries products to processors in communities which may be hundreds of miles from fishing grounds. If the residential proximity to a marine area is a requirement for submitting a proposal for sanctuary designation, this would have the effect of unfairly minimizing the opinions and input of important stakeholders, in some cases the majority of stakeholders, simply because of their zip code. We hope it is not the intention of NOAA to use geographic location as justification for weighing the opinions of certain stakeholders more heavily than others.

The Proposed Rule lists twelve criteria for nominating areas of the marine environment as possible new sanctuaries. While we do not have any general opposition to using the mentioned criteria, the manner in which the criteria will be applied is not clear. Without further clarification it appears that nearly any area of the marine environment could

meet the criteria necessary for sanctuary designation. Before finalizing the rule, NOAA should provide clarity which includes, but is not necessarily limited to:

- The number of criteria which must be met before being eligible for sanctuary designation
- How each of the criteria will be assessed and measured
- Related to the above, the thresholds necessary for meeting any of the twelve criteria

MCA agrees that one requirement for designation of new sanctuaries should include broad-based public support. However, we believe that this support should come from a broad array of stakeholders, not just those that live adjacent to the area. In particular, input from stakeholders most directly affected by the designation should receive weighted consideration. Furthermore, when contemplating information that is relevant for sanctuary designation, NOAA should allow participation from stakeholders who may object to such a designation. As currently written, proposals are accepted from those wishing to pursue a designation; however those who may object are not given the opportunity to weigh in until the nomination process has concluded and the actual designation process has begun. By only considering the “pro” arguments in the nomination process NOAA inherently subjects itself to receiving information that is biased in one direction. As part of the nomination process, NOAA should provide opportunities for stakeholders to submit information which may be unsupportive of designation so that NOAA has the full suite of information before deciding to move toward the designation process. In particular, the proposed rule considers “broad community support” as one potential requirement in the nomination process. NOAA should consider whether there is substantial objection to such a nomination before concluding whether there is broad support.

Finally, the North Pacific Fishery Management Council has a long and successful track record of sustainable fisheries management. The reauthorized Magnuson-Stevens Fishery Conservation and Management Act (MSA) gives Fishery Management Councils significant discretion in deciding how to manage fisheries. MSA provisions which may be relevant for sanctuaries include provisions for managing Essential Fish Habitat, discretionary provisions for management of coral, and discretionary provisions which would allow a Council to close an area to fishing entirely. These authorities are sufficient to provide protections for sanctuaries, where necessary, and therefore a second sanctuary-based process for determining how to manage fisheries within sanctuary waters would be redundant, inefficient, and burdensome to stakeholders. MCA does not object to restarting the sanctuary nomination process, so long as fishery management within sanctuary waters is left to the Fishery Management Councils.

Given the number of issues that need to be further considered, we recommend that NOAA draft a second proposed rule – and consider comments to that rule – before publishing a final rule.

Sincerely,

Merrick Burden
Executive Director