



# Marine Conservation Alliance

*promoting sustainable fisheries to feed the world*

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Alyeska Seafoods

Alaska Crab Coalition

Alaska Whitefish Trawlers  
Association

Alaska Groundfish Data Bank

Alaska Pacific Seafoods

Alaska Scallop Association

Aleutian Pribilof Island  
Community Development  
Association

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

At-Sea Processors Association

Bristol Bay Economic  
Development Corp.

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

Central Bering Sea Fishermen's  
Association

St. Paul

City of Unalaska

Coastal Villages Region Fund

Chefornak, Chevak, Eek, Goodnews Bay, Hooper Bay, Kipnuk, Kongiganak, Kwigillingok, Mekoryuk, Napakiak, Napaskiak, Newtok, Nighthute, Oscarville, Platinum, Quinhagak, Scammon Bay, Toksook Bay, Tunutuliak, Tunurak

Groundfish Forum

High Seas Catchers  
Cooperative

Icicle Seafoods

Mothership Group

PV Excellence  
PV Ocean Phoenix  
PV Golden Alaska

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, Inc.  
Golden Alaska Seafoods, Inc.  
North Pacific Seafoods, Inc.  
Peter Pan Seafoods, Inc.  
Premier Pacific Seafoods, Inc.  
Supreme Alaska Seafoods, Inc.  
Trident Seafoods Corp.  
UniSea Inc.  
Westward Seafoods, Inc.

Prowler Fisheries

Trident Seafoods Corp.

United Catcher Boats

Akutun Catcher Vessel Assoc.  
Arctic Enterprise Assoc.  
Mothership Fleet Cooperative  
Northern Vector Fleet  
Peter Pan Fleet Cooperative  
Unalaska Co-op  
UniSea Fleet Cooperative  
Westward Fleet Cooperative

U.S. Seafoods

Waterfront Associates

Western Alaska Fisheries, Inc.

Yukon Delta Fisheries  
Development Association

Alakanuk, Emmonak, Grayling, Kotlik, Mountain Village, Nunam Iqua

Eric Olson, Chairman  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501

Dear Chairman Olson,

The Marine Conservation Alliance (MCA) is writing in regards to April Agenda Items D-4 (a) and (b), the EFH five year review and HAPC criteria and priorities.

MCA is a coalition of harvesters, processors, communities, and support service companies involved with Alaska's groundfish and shellfish fisheries. MCA has a long record of supporting Council actions to identify and protect Essential Fish Habitat (EFH) and related Habitat Areas of Particular Concern (HAPC).

In keeping with the EFH Final Rule, and the Council's excellent record for identifying and taking appropriate proactive actions to protect EFH for managed species, MCA believes that it is appropriate that the Council has initiated a review process to determine if further work on EFH is warranted. While we have not had the chance to examine the summary report that details the findings of this review, we believe that it is important for the Council to keep in mind the dramatic and precautionary steps the Council has already taken to identify EFH and mitigate the impacts of fishing on those habitats. In rough numbers, approximately 450,000 square nautical miles have been closed off Alaska's coasts to address habitat concerns of one form or another. If we add in the Arctic, which is closed to all commercial fishing, that number jumps to over 600,000 square nautical miles which is an area five times larger than the entire United States National Park system.

In addition to fishery closures, the Council has implemented a number of additional management measures to protect habitat such as gear restrictions, or requiring the use of gear modified to reduce impacts to bottom habitat. All of these measures come with a cost to industry and coastal communities, but the Council has been able so far to develop EFH measures that protect habitats and still allow for robust fisheries. This is a record the Council can be proud of. We urge the Council to keep this record in mind when considering whether or not broad new EFH actions are warranted in the waters off Alaska.

With regards to Agenda Item D-4 (b), HAPC criteria and priorities, MCA encourages the Council to develop a set of clear and specific priorities and evaluation criteria for HAPC proposals. Under the Final Rule for EFH, HAPC are

a *discretionary tool* that Councils can use to address specific habitat concerns for managed species. When the North Pacific Fishery Management Council first established its HAPC process, the Council adopted a site-based approach to HAPC designation. This means that HAPCs are to be specific, discrete geographic sites known to have habitat features meeting the Council's HAPC priority for a given HAPC RFP process. The Council very deliberately chose this approach in lieu of a more general "type" based HAPC process, believing instead that broader "type" based habitat concerns would be addressed as EFH, not HAPC.

When identifying HAPC priorities, MCA recommends the Council consider narrowing the scope to one or two priority habitats. The first time around, the Council priority lacked sufficient precision and a very large volume of proposals were received that only vaguely fit the Council's priority. This made analysis and evaluation a very difficult task and MCA believes that the public, and the process, would benefit from a more surgical approach. The RFP should also be very clear that proposals that do not fit within the Council's identified priority for managed species will not be considered.

MCA also strongly recommends that the Council retain the two criteria rule whereby a HAPC proposal must meet the "rarity" test with a high ranking for at least one additional criterion. Under this rule, if a proposal does not meet the "rarity" test it is not considered further. MCA suggests that rarity should be clarified to mean areas that are discrete sites of limited geographic scope encompassing a unique habitat that occurs in only one region off the Alaska coast. This would also mean that in order to be considered, the proposed site would need to score a "3" under the SSCs proposed evaluation criteria for rarity and at least one other factor.

MCA notes that the evaluation criteria matrix proposed by the SSC may receive additional commentary from the SSC at this upcoming meeting. We therefore will await any further SSC work before commenting further, except to note two general concerns. The first is that the ecological importance criterion in the SSC's draft proposal ranking matrix is largely a restatement of the broad criteria for EFH and hence is too generic for HAPC. Under the current draft language, the highest ranking for ecological function would be given merely for complex condition or substrate that serves as refugia, concentrates prey, or is known to be important for spawning. As we know from the last round of EFH designation, expansive areas in Alaska would meet that definition, thus frustrating the effort to focus the HAPC process by identifying specific, geographically discrete candidate sites.

We have a similar concern with the addition of "pelagic waters important to managed species" in footnote 1 of the SSC document entitled *Proposed NPFMC evaluation criteria for HAPC proposals*. MCA believes this language is inappropriate for HAPC, and suffers from the problems with the original EFH determinations made years ago. There is no doubt that pelagic waters are important to managed species. The problem is that this is so broad as to be virtually meaningless. All waters, including pelagic waters, are important to managed species. As with the ecological criteria discussed above, MCA is concerned this could lead the public into submitting proposals for virtually the entire Alaska EEZ, which we believe is counter to the Council's intent for HAPC.

Thank you for considering these preliminary comments on the EFH and HAPC agenda items for the upcoming Council meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "David Benton". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Benton  
Executive Director