



Marine Conservation Alliance

promoting sustainable fisheries to feed the world

431 N. Franklin St. Ste 305
Juneau, AK 99801
(907) 523-0731
(206) 260-3639 fax

Adak Fisheries, LLC

Alyeska Seafoods

Alaska Crab Coalition

Alaska Druggers Association

Alaska Groundfish Data Bank

Alaska Pacific Seafoods

Aleutian Islands Brown Crab
Coalition

Aleutian Pribilof Island
Community Development
Association

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

At-Sea Processors
Association

Bristol Bay Economic
Development Corp.

Aleknagik, Clark's Point, Dillingham, Eggvik, 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

Coastal Villages Region Fund
Cheforiak, Chevak, Eek, Goodnews Bay, Hooper
Bay, Kipruk, Kongiganak, Kwigillingok, Mekoryuk,
Napakiak, Napaskiak, Newtok, Nighthute, Oscarville,
Platinum, Quinhagak, Scammon Bay, Toksook Bay,
Tuntutuliak, Tunurak

Groundfish Forum

High Seas Catchers
Cooperative

Icicle Seafoods

McCarty and Associates

Mid-Water Trawlers
Cooperative

Mothership Group

PV Excellence
PV Ocean Phoenix
PV Golden Alaska

Norton Sound Economic
Development Corporation

Brevig Mission, Diomedea, Elim, Gambell, Golovin,
Koyuk, Nome, Saint Michael, Savoonga, Shaktolik,
Stebbins, Teller, Unalakleet, Wales, White Mountain

Pacific Seafood Processors
Association

Alaska General Seafoods
Alyeska Seafoods, Inc.
Golden Alaska Seafoods, Inc.
Peter Pan Seafoods, Inc.
Premier Pacific Seafoods, Inc.
Supreme Alaska Seafoods, Inc.
UniSea Inc.
Wards Cove Packing Company
Western Alaska Fisheries, Inc.
Westward Seafoods, Inc.

Prowler Fisheries

Trident Seafoods Corp.

United Catcher Boats

Akutan Catcher Vessel Assoc.
Arctic Enterprise Assoc.
Mothership Fleet Cooperative
Northern Victor 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

May 15, 2008

Mr. Joseph Uravitch
National MPA Center N/ORM
1305 East-West Highway
Silver Spring MD, 20910

Dear Mr. Uravitch:

The Marine Conservation Alliance (MCA) appreciates the opportunity to comment on the Revised Draft Framework for Developing the National System of Marine Protected Areas. The MCA is a broad-based coalition of coastal communities, fixed and mobile gear fishermen, Community Development Quota groups, vessel owners, processors, support industries and consumers directly and indirectly involved in the Alaska groundfish and shellfish fisheries off Alaska. The coalition members have joined together to support science-based policy that protects the marine environment and promotes long-term sustainability of both fishery resources and the North Pacific fishing community that depends on those resources. Collectively, MCA members represent approximately 70% of the seafood production off Alaska.

MCA works on practical solutions to real world conservation problems, promoting creative solutions to ensure long term health of the North Pacific and its fisheries. Such conservation efforts include working with the North Pacific Fishery Management Council (NPFMC) to close roughly 500,000 square nautical miles to some or all fishing within the Gulf of Alaska, Aleutian Islands, and Bering Sea to protect important marine habitat and species. This constitutes one of the largest fishery related MPA systems in the world. We have also worked with the NPFMC to address seabird and marine mammal interaction issues, reduce bycatch, prevent overfishing, design ecosystem monitoring and protection measures for our fisheries, and to establish programs like the Aleutian Islands Fishery Ecosystem Plan. The result is that the waters off Alaska produce over half the nation's fish products with no overfished stocks. We are proud of the conservation record of the North Pacific, and it's with this experience of working at the regional level in mind that we offer the following comments on the Revised Draft Framework.

1. General Comments.

MCA appreciates that the Center and the agencies have attempted to address comments on the earlier draft framework, and its relationship to E.O. 1358. Many of these comments centered around key terms in the E.O. and their use in the draft. The revised draft is better organized, and the use of terms is more consistent than in the earlier version.

However, the revised draft can still be improved through clarification of key roles as defined by the E.O. For example, more direct language in the beginning of the Framework stating quite clearly that the E.O., and this Framework, do not provide for any new authorities to designate MPAs, manage resources within existing MPAs, or implement MPA programs. MPA designation, management, and implementation will be through existing agency programs and authorities, and the Framework is to provide a level of coordination and establish a common ground for such coordination among the various programs within a region, and at the national level. The text reflects, in part, these considerations but it would be helpful if, at the very beginning of the document this is made clear.

The role of the various players in the development of a national system of MPAs has also been problematic, and in some regards still remains unclear. We are particularly concerned that the role of the Regional Fishery Management Councils (RFMCs) remains ambiguous. We believe that the RFMCs must play a pivotal role in the identification, designation, management, and evaluation of individual MPAs within the federal waters of their respective regions as well as in the development of the overarching national system. This is especially important given the E.O.'s instructions to rely on existing authorities as well as the Framework's recognition of the benefits of a national system based on regional efforts. The RFMCs have by far designated more area in federal waters for protection than any other agency or group of agencies. The Framework continues to treat the role of the RFMCs as constituents or "stakeholders" in this process as opposed to being the lead agency and managing entity for large and important MPAs within each of their regions. We recommend that the role of the RFMCs be more explicitly described in the Framework, taking into account their unique role in managing fisheries in federal waters, including establishing MPAs. We further recommend that the RFMCs be included on the national steering committee through the Council coordinating committee established pursuant to the recent reauthorization of the Magnuson Stevens Act.

Our final general comment centers on implementation. The Framework correctly identifies that many of the programs and processes envisioned with the MPA national system are dependent on future funding and other resource availability. Yet the Framework doesn't provide a solid picture of what resources are needed, nor how to effectively use existing programs without placing additional burdens on resource managers already strapped by the demands of their current duties. The Framework needs to provide more detail on future implementation including funding levels that might be necessary to implement the regional processes identified in the Framework.

2. Specific Comments.

I. Executive Summary. Recommend deleting the first paragraph. We believe it is counterproductive to make such broad generalizations when they are not accurate for all regions of the country. The second paragraph provides the proper perspective for the Framework.

III. Introduction.

C. Benefits of an Effective National System. This section should include a discussion of the benefits of basing the national system on a regional structure. This “bottom up” approach was strongly supported by the MPA federal advisory committee as well as in numerous comments on the earlier draft. A discussion regarding each of the individual “benefits” described in part C, and how they are enhanced by using a regional structure for the national system, would strengthen the text.

IV. Defining the National System of MPAs.

B. National System Goals and Priority Conservation Objectives. The goals and priorities discussed here, and presented in Table 1, are reasonable to ensure that our nation’s marine resources are conserved and well managed. However, what is not clear from the text is that MPAs are only one tool for achieving many of these goals and priorities. The Framework needs to emphasize that MPAs need to be part of a management mosaic, and that MPAs may not be applicable to meet some of these priorities in many circumstances. An evaluation of MPAs in concert with other management measures needs to be part of the process.

C. National System Design and Implementation Principles. The above comment is particularly appropriate when reviewing the design and implementation principles. For example, National System Design Principle number 4, Precautionary design, repeats language that is often used to describe application of the precautionary principle. In executing this principle, one aspect of intelligently applying the precautionary principle is to avoid unintended consequences. Establishing an MPA that is closed to all fishing could have such unintended consequences by shifting fishing pressure to other areas or species, leading to conservation problems that are more serious than the original concern. Of course, this is not always the case, and area closures are a well established management tool when properly designed. The solution is to clearly identify the conservation concern to be addressed, and evaluate proposed management actions against the existing management regime and a suite of potential alternatives prior to adopting one particular strategy. A regional strategy that includes managers such as the RFMCs in a lead role, can assure that such considerations are addressed.

V. Building the National System of MPAs.

This section needs to be more explicit regarding the role of the RFMCs in the process for identifying, nominating, and withdrawing an MPA from the National System. The role of RFMCs is briefly described in footnote 8, but in only general terms. We believe that the RFMCs should be the primary agencies for identifying, designing, nominating, implementing, and withdrawing any MPA that anticipates managing fisheries, or is established pursuant to the Magnuson Stevens Act (MSA) and included in the national system. We believe that the findings in the recent *Fishing Company of Alaska Inc. v Gutierrez* decision by the D.C. Circuit Court of Appeals support this position.

We have similar concerns for the process to identify conservation gaps for the national system. This process needs to proceed carefully, be conducted at the regional level, and with full participation by managers. The gap analysis should be specific and detailed when identifying any such gaps including the specific conservation problem to be addressed, and take into consideration the suite of existing conservation and management measures already in place.

VI. Implementing the National System.

D. Federal Agency Responsibilities to Avoid Harm. There are several questions that remain to be addressed in the Framework regarding implementation of the E.O.s “avoid harm” provisions. The Framework needs to clarify who makes the determination about the resources to be protected within the MPA, the criteria for deciding what constitutes harm, how those criteria will be applied and mitigated. This is especially true in instances like MPAs established pursuant to the MSA. We believe that the RFMCs are the lead agency in such instances, defining what resources are to be protected, what constitutes harm to those resources, and how to mitigate that harm.

As a final comment, we want to acknowledge that preparation of this Framework is a daunting task, and that the Center staff has done an excellent job with limited resources. The next steps of implementing the proposed Framework will be equally daunting. We recommend that an action plan for the next phase be developed and circulated for comment as soon as is possible. This plan should include the processes that are envisioned for nominating MPAs to the national system, including the possibility that a full NEPA review may be required for this action, and the schedule of events. This would assist everyone in understanding next steps as the National System continues to develop.

Once again, thank you for this opportunity to comment.

Sincerely,



David Benton
Executive Director