



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

December 11, 2013

Eric Olson, Chair  
North Pacific Fishery Management Council  
605 W. 4<sup>th</sup> Avenue, Suite 306  
Anchorage, Alaska 99501-2252

Dear Mr. Olson:

In April of 2012, the North Pacific Fishery Management Council adopted a formal policy for Essential Fish Habitat (EFH) consultation. As part of the policy the Council requested regular reports from the National Marine Fisheries Service (NMFS) on EFH consultations on non-fishing actions that may be of interest to the fishing industry, or that may affect habitats of direct concern to the Council. NMFS will provide reports on a biannual basis and these reports will focus on major consultations and briefly summarize activities with minor effects on EFH. Additionally, the Council has requested that NMFS provide advance notice for those activities that could have major effects on EFH, so that the Council can decide whether to consult on the activity. The enclosed documents respond to the Council's request. We look forward to discussing this with the Council during the NMFS Management Report (agenda item B-2) at the December meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Balsiger".

James W. Balsiger, Ph.D.  
Administrator, Alaska Region

Enclosures (1)



**Essential Fish Habitat in Alaska**  
Prepared for the North Pacific Fishery Management Council  
by the National Marine Fisheries Service  
Alaska Region, December 2013

## **Background**

In 1996 Congress added new habitat provisions to the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Section 303(a)(7) of the amended MSA required that every fishery management plan (FMP) describe and identify EFH<sup>1</sup> for federally managed species, minimize to the extent practicable the adverse effects of fishing on EFH, and identify other actions to encourage the conservation and enhancement of EFH.

Under section 305(b)(3)(A) of the MSA, Councils may comment on and make recommendations to the Secretary and any federal or state agency concerning any activity or proposed activity authorized, funded, or undertaken by the agency that, in the view of the Council, may affect the habitat, including EFH, of a fishery resource under its authority.

In addition, under section 305(b)(3)(B) of the MSA, Councils must provide such comments and recommendations concerning any activity that, in the view of the Council, is likely to substantially affect the habitat, including EFH, of an anadromous fishery resource under Council authority.

The North Pacific Fishery Management Council has adopted a formal policy and process to receive regular reports from NMFS, and has identified specific criteria to guide NMFS in determining whether an activity is likely to be of interest to the Council.

## **EFH Consultations June – December 2013**

The Alaska Region receives notification on a variety of non-fishing actions proposed by federal and state agencies that have the potential to affect living marine resources. Due to staff limitations and work load our reviews are focused on only those activities that may adversely affect EFH.

Adverse effects from non-fishing activities includes a wide range of activities such as dredging, offshore disposal of materials, pollutant and seafood discharges, coastal construction, mining, forestry, oil and gas exploration, Naval training exercises, hydropower development, and transportation infrastructure projects (highways, bridges, airport expansions, etc.). Not all consultations result in staff providing written recommendations. In fact we consider it a success when a project proponent works with us to address our concerns and incorporate changes in scope or design prior to the point where conservation recommendations need to be made.

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<sup>1</sup> EFH means “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.” “Waters” include aquatic areas and their associated physical, chemical, and biological properties. “Substrate” includes sediment underlying the waters. “Necessary” means the habitat required to support a sustainable fishery and the managed species’ contribution to a healthy ecosystem. “Spawning, breeding, feeding, or growth to maturity” covers all habitat types utilized by a species throughout its life cycle. (50 CFR 600.10)

NMFS uses the following criteria to guide the agency in determining whether the activity is likely to be of interest to the Council:

- The extent to which the activity would adversely affect EFH;
- The extent to which the activity would adversely affect Habitat Areas of Particular Concern or other areas established by the Council to protect sensitive habitat features;
- The extent to which the activity would be inconsistent with measures taken by the Council to minimize potential adverse effects of fishing on EFH; and
- The extent to which the activity would conflict with Council-managed fishing operations.

During this reporting time frame we have not reviewed any new actions that meet these criteria.

Information on our other activities to support habitat conservation is outlined in our Annual Accomplishments Report, which will be available shortly on our website. We will notify Council staff when it has been posted.

### **Update on Current Actions of Interest to the Council**

We have previously presented information to the Council's Ecosystem Committee and the Council's Crab Plan Team regarding the potential effects from offshore mining activities on Norton Sound red king crab. The Crab Plan Team expressed strong concerns with the current and potential future mining activities as it relates to EFH for juvenile and adult red king crab. A major conclusion of the Crab Plan Team is there not enough habitat information exists to conduct a proper analysis at this time and the Council requested that NMFS keep them informed of our progress in this effort.

To address the recent Crab Plan Team and Council concerns, HCD sought information and funding sources. In FY13, we secured \$50,000 from our Headquarters Office of Habitat Conservation to fund a study that compiles and synthesizes information for Norton Sound mining locations, crab research areas, crab habitats, and known crab densities. This information will develop a crab habitat survey methodology. Results will identify knowledge gaps regarding benthic habitat features necessary for red king crab stocks and mining activities. Crab habitat suitability and vulnerability will also be assessed.

### **EFH Research Proposals**

Additionally HCD has proposed to further the above OHC-funded work using our EFH Research Proposal process. In November, eight EFH Research Proposals were received totaling over \$490K. Several research proposals specifically address the 2014 EFH emphasis areas 1) Identify and validate coral concentration areas in the Bering Sea, including Pribilof and Zhemchug Canyons; 2) Improve scientific understanding of offshore mining effects on Norton Sound RKC stocks and their habitat. This past week, the Habitat and Ecological Processes Research (HEPR) Team and our Regional EFH Coordinator, Matt Eagleton, reviewed and scientifically ranked the proposals. Next we will meet to discuss any management priorities. Only a subset of EFH research will be funded, as funding is limited. We expect similar funds to FY13; roughly \$250K for directed research.