

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Chris Oliver *Chris*  
Executive Director

DATE: February 3, 2005

SUBJECT: Habitat Areas of Particular Concern (HAPC)

ESTIMATED TIME 12 HOURS
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**ACTION REQUIRED**

Final action on HAPC preferred alternatives and EA/RIR/IRFA

**BACKGROUND**

Final Action on HAPC Alternatives and EA/RIR/IRFA

The Council is scheduled to take final action on an EA/RIR/IRFA for the identification and management of HAPCs for Gulf of Alaska corals, Aleutian Islands corals, and seamounts in the EEZ. Under the terms of a joint stipulation and court order in the AOC v. Daley case, NMFS must evaluate the possible designation of HAPCs and implementation of associated management measures, and must promulgate any resulting regulations by August 13, 2006.

The Council issued a call for proposed HAPCs in November 2003 focusing on corals and seamounts, and finalized the alternatives for analysis in June 2004. Council and NMFS staff completed an EA/RIR/IRFA that evaluates four alternatives for Gulf of Alaska coral HAPCs, five alternatives for Aleutian Islands coral HAPCs, and three alternatives for seamount HAPCs. Some of the alternatives include two management options: one that would close the areas to bottom trawling, and one that would close the areas to all bottom contact gear. Additionally, some of the alternatives include a sunset provision that would close the areas for five years pending the completion of new sea floor mapping to identify high relief corals.

The process the Council is using to consider HAPCs is described in Appendix J to the EFH EIS. Under that process, the Council may solicit HAPC proposals every three years. You have received the HAPC EA RIR IRFA in a Council mailing; the executive summary of this document is under attached.

At this meeting, the Council will choose its final alternative(s) for designation and conservation of HAPC.

## Executive Summary

Habitat Areas of Particular Concern (HAPC) are site-specific areas of Essential Fish Habitat (EFH) of managed species. Identification of HAPCs provides focus for additional conservation efforts for those habitat sites that are ecologically important, sensitive to disturbance, exposed to development activities, or rare. This Environmental Assessment (EA) evaluates alternatives for designating HAPC sites in the Gulf of Alaska (GOA) and the Aleutian Islands (AI) and implementing associated fisheries management measures to provide additional conservation of specified HAPC areas.

Three separate actions are considered in this EA: (1) HAPC designation and conservation of seamounts, (2) HAPC designation and conservation of hard coral areas in the GOA, and (3) HAPC designation and conservation of hard coral areas in the Aleutian Islands. Several alternatives are considered for each action, as summarized below.

### Action 1: Seamounts

Alternative 1: No action.

Alternative 2: Designate five named seamounts in the EEZ (Dickens, Giacomini, Patton, Quinn, and Welker) as HAPC and prohibit all bottom contact fishing by Council-managed fisheries on these seamounts.

Alternative 3: Designate 16 named seamounts in the EEZ off Alaska as HAPC and prohibit all bottom contact fishing by Council-managed fisheries on these seamounts.

### Action 2: GOA Corals

Alternative 1: No action.

Alternative 2: Designate three sites along the continental slope (in the vicinity of Sanak Island, Albatross, and Middleton Island) as HAPC and prohibit bottom trawling or all bottom contact mobile gear (BCMG) within these areas for five years.

Option 1: Close the sites to pelagic trawls that contact the bottom, non-pelagic trawls, dredges, and troll gear that contact the bottom (including dinglebar gear) for 5 years. During the 5 years, these sites would be prioritized for undersea mapping. Areas with high-relief coral would stay closed to the specified gears and the remaining areas would be reopened.

Option 2: Close the sites to bottom trawling for 5 years. During the five years, these sites would be prioritized for undersea mapping. Areas with high-relief coral would stay closed to bottom trawling and the remaining areas would be reopened.

Alternative 3: Designate three areas in Southeast Alaska (in the vicinity of Cape Ommaney, Fairweather grounds NW, and Fairweather grounds SW) as HAPC and prohibit bottom contact gear or bottom trawl gear in several subareas within the HAPC designated areas.

Option 1: Prohibit all Council-Managed bottom-contact gear within five smaller areas inside these HAPCs.

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Am. M/S

Balsiger

Refer to 2.9  
of EA -  
p. 90  
with Ch 4

Option 2: Prohibit bottom trawl gear within five areas inside the HAPCs, while designating the remainder of each of the three HAPCs in this alternative as priority areas for hook and line gear impact research.

Alternative 4: A combination of Alternatives 2 & 3.

**Action 3: AI Corals**

Alternative 1: No action.

Alternative 2: Designate the six coral garden sites within the Aleutian Islands as HAPC. These areas are in the vicinity of Adak Canyon, Cape Moffett, Bobrof Island, Semisopochnoi Island, Great Sitkin and Ulak Island. Bottom contact gear would be prohibited in several subareas within the HAPC designated areas.

*BT trawl gear*

*MS*

Alternative 3: Designate an area of Bowers Ridge as HAPC prohibit ~~mobile~~ fishing gear that contacts the bottom.

Alternative 4: Designate four sites in the Aleutian Islands (in the vicinity of South Amlia/Atka Islands, Kanaga volcano, Kanaga Island, and Tanaga Islands) as HAPC and prohibit bottom trawling or all bottom contact mobile gear within these areas for five years.

Option 1: Close the sites to pelagic trawls that contact the bottom, non-pelagic trawls, dredges, and troll gear that contacts the bottom (including dinglebar gear) for 5 years. The sites would be prioritized for undersea mapping. Areas with high relief coral would stay closed to the specified gears and the remaining areas would be reopened.

Option 2: Close the sites to bottom trawling for 5 years. During the 5 years, these sites would be prioritized for undersea mapping. Areas with high-relief corals would stay closed to bottom trawling and the remaining areas would be reopened.

Alternative 5: A combination of Alternatives 2, 3, and 4.

Although the biological and socioeconomic effects differed among the alternatives for each action, the analysis indicated no significant impacts of any of the alternatives. In general, additional areas designated for HAPC and associated management measures may provide positive habitat conservation benefits, with some added costs in the way of potential forgone revenue to fisheries (potential for lost catch, along with added operational costs to catch the fish in remaining open areas). The areas proposed as HAPC are, for the most part, small relative to the overall area available for fishing.

The alternatives to designate seamounts as HAPC and restrict fishing activities on the seamounts were proposed as precautionary measures. Very little fishing currently occurs on the seamounts. Submersible observations have shown some seamounts to be distinctive in bottom type living substrates. The biological and ecosystem effects provided by the alternatives remain unknown or insignificant relative to the status quo. However, as a precautionary measure, seamount protection provides positive benefits by eliminating effects of fisheries on potentially endemic (local and self-recruiting) populations of fish on these seamounts.

The proposed HAPC areas designed to further conserve hard corals in the GOA may have positive local effects. For alternative 2, the distribution of corals along the slope remains unobserved, so it is difficult to

ascertain if effort redistribution from these areas would occur in areas with more or less habitat complexity. For Alternative 3, direct submersible observations and side scan sonar indicate higher aggregations within the designated HAPC areas than nearby outside areas, so effort redistribution away from these areas may have positive effects on habitat complexity. The effect on the fisheries of any of these alternatives would be small (<1%, except for the deepwater flatfish fishery under alternative 2) relative to the overall fisheries in the GOA area.

Alternatives to designate HAPC areas in the Aleutian Islands and to adopt associated management measures may differ in effects. Alternative 2 would provide benefits to corals, but at some cost to the fisheries, particularly the brown crab fishery and the Petrel Bank red king crab fishery. Because Bowers Ridge has had very little fishing effort in recent years, Alternative 3 may have minimal short-term impacts on the fleet. Alternative 4 sites, offered by fishing skippers as sites containing high relief coral areas, may also have small short-term impacts on the fleet. Except for the six coral garden sites proposed under Alternative 2, no submersible observations have been made in the areas described by the alternatives. Thus, it is difficult to understand the overall ecological effects of effort redistribution. Although research is lacking, we assume that some positive effects on habitat biodiversity would accrue by moving fishing effort away from areas that are thought to have corals and by allowing effort to concentrate more on areas with faster recovery times.

**FISHING VESSEL OWNERS' ASSOCIATION  
INCOPORATED**

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SINCE 1914

AGENDA C-1(c)  
FEBRUARY 2005

RECEIVED  
JAN 19 2005  
N.P.F.M.C.

January 14, 2005

Ms. Stephanie Madsen, Chairwoman  
North Pacific Fishery Management Council  
605 W. 4<sup>th</sup> Ave., #306  
Anchorage, AK 99501-2252

Dear Chairwoman Madsen:

The following are the public comments of the Fishing Vessel Owners' Association regarding the NPFMC's various proposed actions for Habitat of Particular Concern (HAPC). These comments are amended from our comments of May 6, 2004. The FVOA represents 95 longline vessels, which fish in Council waters from S.E. Alaska to waters in the Bering Sea and the Aleutians. The primary species targeted by our members include Pacific Halibut, Sablefish and Pacific Cod.

Before we comment on each option of the various proposed HAPC, we have several observations and concerns, which we would like to express. The science of measurements for designating an area as a HAPC is currently lacking. The conjecture of importance of individual areas has not been linked to any relationship to adult species or year-class strength. There simply is no quantifying scientific linkage in order to assess the alternatives. The Plan Team and SSC were unable to do it in the initial review process. The general public and industry have no known measurements of science in order to analyze the potential negative impacts due to commercial fishing on any of the proposed HAPC spots relative to assertions of particular concern.

The Council's HAPC Problem Statement seems unfocused. It states:

**HAPC Problem Statement:**

Habitat Areas of Particular Concern (HAPC are site-specific areas of Essential Fish Habitat (EFH) of managed species. Identification of HAPCs provides focus for additional conservation efforts for those habitat sites that are

ecologically important, sensitive to disturbance exposed to development activities, or rare. Based on these considerations, the Council has directed that each HAPC site should meet at least two of these criteria, with one being rarity.

To further focus on the solution to the Council's problem statement, the Council needs to recognize the different impacts of the many forms of fishing gear. It is unclear that this is adequately recognized.

The Council's focus on coral as a type of habitat that may have significant ecological impact relative to rock fish may be overstated. Coral may play only a minor importance while the protection of "bolder fields" from "rockhopper gear" (trawls with large foot ropes) seem to be having the greatest positive impact on the rebuilding of rockfish resources on the lower Pacific coast. All overfished rockfish stocks are showing increased biomass levels with the limitation on the footrope size in the Pacific Council EEZ areas.

The following are our comments relative to the proposed Council actions currently under analysis.

**Action 1.** The economic impact or vessel usage of the seamount areas designated as HAPC in alternative 2, (a subset of NMFS Proposal 4) and alternative 3 (previously proposal 4, NMFS seamounts) are very minor for our members. Of the proposed sites, the Patton and Unimak Seamounts have had some longline activity. The Association members could support adoption of either alternative at this time. The majority of the seamounts proposed are far deeper than our members are currently fishing while success in catching fish on a few seamounts has been inconsistent.

## **Action 2. GOA Corals**

Alternative 2 designates three sites along the continental slope at Sanak Island, Albatross and Middleton Islands as various forms of HAPC under study with potential trawl restrictions in the future. This was proposed by the Kodiak trawl fleet.

## **Sanak Island (AGDB proposal 5)**

Council document C-2 supplemental from the March meeting prepared by

Scott Miller, states the following regarding this option.

"However, the management measures associated with this proposal call for prioritization for submersible mapping and rockfish abundance evaluation and eventual development of restriction on bottom trawling to protect high-relief hard coral and rockfish areas within these proposed sites while preserving fishing opportunities to the extent practical. In addition, the proposal calls for development of controlled research to learn more about how rockfish and other managed demersal species associate with and use habitat, how fishing affects that use and productivity, how different levels of fishing intensity and gear effects influence productivity of habitats. Thus, the proposed management measures are presently undefined, and are non-binding. Therefore, this proposal does not have the potential to create socioeconomic benefits or direct impacts on harvests."

Based on these comments, the Association would endorse the area being designated as proposed. However, since the area was originally suggested based on the area not being commonly trawled, it is questionable how much will be learned from the effects of trawl gear in this area.

It was reported in document C-2 Supplemental - March, that only 2.79% of the sablefish fishing is conducted in this proposed HAPC. Our members, who reviewed this area, believe that the Sanak HAPC has a much greater percentage of sablefish IFQs harvested than the 2.79% indicated in the supplemental report. The report says 271.75 square miles of HAPC would be designated at 500 fathoms or less, which is prime sablefish habitat for the longline fleet.

#### **Albatross (AGDB proposal 6)**

The analysis states relative to this option from document C-2 supplemental - March:

"..the management measures associated with this proposal call for prioritization for submersible mapping and rockfish abundance evaluation and eventual development of restrictions on bottom trawling to protect high-relief hard coral and rockfish areas within these proposed sites while preserving fishing opportunities to the extent practical. In addition, the proposal calls for development of controlled research to learn more about how rockfish and other managed demersal species associate with and use habitat, how fishing

affects that use and productivity, how different levels of fishing intensity and gear effects influence productivity of habitats. Thus, the proposed management measures are presently undefined, and are non-binding. Therefore, this proposal does not have the potential to create socioeconomic benefits or direct impacts on harvests."

The Association, based on the above, could support the proposed action. However, in that this area was recommended based on limited trawl activity, there is a question of how much information will be generated on trawl impacts to this HAPC. This area, according to the March C-2 supplement, has 71 percent of its area in depths of prime longline/sablefish activity. This area is a very important area for the IFQ sablefish fleet.

### **Middleton (AGDB proposal 7)**

The March C-2 supplement makes identical comments relative to the proposed management actions in the Middleton HAPC, as stated with the Sanak and Albatross HAPC proposals. The Association would endorse the proposed area, based on the above management actions. However, the area, like the Sanak and Albatross, does not have much trawl activity and hence, little would be learned from trawl activity in this area.

The Middleton area would have over 80% of the HAPC in depths associated with important sablefish IFQ activity, according to the March C-2 supplement.

### **Action 2 - GOA Corals - Alternative 3**

The Association has members that fish in and around the proposed four sites at Cape Ommaney, Dixon Entrance, and Fairweather grounds (two sites). It is our understanding that other longline organizations will be presenting comments to the Council's proposed actions and we would defer to the organizations from S.E. Alaska on these four sites.

### **Action 3 - Aleutian Island Corals**

**Alternative 2:** Designates six coral garden sites within the Aleutians as HAPCs. (NMFS previous option, Proposal 19, MCA Adak & Kanaga Proposal #16, AMCC Adak Canyon, Proposal 9).

As a general comment about hook and line fishing in the Aleutians, even though some fishermen have had good success fishing on the south side of the Aleutians, generally speaking the tides prevent a lot of hook-and-



line fishing activity on the south side of the Aleutians. Therefore, the fishable northern areas of the Aleutian become very important for being able to harvest the set quotas for both halibut and sablefish. The loss of many small areas can be collectively critical to the longline fleet, particularly if the areas designated for closure are on the north side of the Aleutians.

(1) Adak Canyon (from Proposal 19 NMFS)

This proposed area is situated in an area that has significant tides and longline activity by our fleet has been minimal. The northern portion of this site is currently within a sea lion rookery and unfished. This site would not have a significant effect on the halibut and sablefish IFQ operations in the Aleutians. Our members could support this area as a HAPC.

The AMCC proposal for Adak Canyon is very close in geography to that proposed by the NMFS. Our comments above relative to fishing activity would be the same for this proposal.

(2) Cape Moffet

Due to currents and tides that go through Adak Straits, the NMFS area proposed for closure, is not commonly fished by longline gear. The proposed area for HAPC consideration would have little effect on longline operation. The members of FVOA would support the NMFS proposal for HAPC closure.

(3) Bobrof Island (from Proposal 19 NMFS)

We propose that this area be redesigned as follows. The area north of a line cutting east to west at the northern tip of Bobrof would be set as a research area for future HAPC consideration. The area to the south would be closed.

We propose the following coordinates for the northern research area for the Bobrof HAPC. The area to the north of these coordinates would be a research area for future HAPC consideration and closed to fishing south of the line.

Latitude  
51.5560 N

This will allow some fixed-gear sablefish grounds to be freed up to the north of where the coral gardens were identified. The majority of the fishable sablefish grounds, due to tides, are on the north side of the

Aleutians for longline gear and this suggested change preserves some area that is currently used by the IFQ sablefish fleet.

(4) Semisopochnoi Island (from proposal 19 NMFS)

This area has had some halibut activity, however, the tides in this area tend to make it a difficult area to fish with hook and line gear. This area, if it were designated as a HAPC, would have little effect on hook and line operations in the Aleutians for those targeting halibut or sablefish. The members would support this HAPC.

(5) Great Sitkin HAPC

We request that there be an area to the north of the identified Coral Gardens that is considered for future HAPC restrictions but allow fixed gear operations to continue. The area to the north of the proposed coordinates below, would be a research area and the area to the south would be closed. The area to the north is a sablefish area for the longline fleet.

176.1230°	52.0700
176.0600	52.0820

(6) Ulak Island (from proposal 19 NMFS).

The south side of this island is important for hook-and-line fishing for halibut. The area proposed by the NMFS would not have a major impact on either the sablefish or halibut IFQ fishing operations. The members would support this HAPC. The area that NMFS has proposed is in a tidal and current area that makes hook and line fisheries almost impossible while the south side of the island is important.

**Alternative 3 - Designate Bowers Ridge as an HAPC (Proposal 10B)**

The members of the Association support a modification of proposal 10 taken from AMCC, their options 10-13 B for Bowers Ridge. The area proposed is a large area and is probably more logically discussed as an area of Essential Fish Habitat (EFH) rather than a HAPC. From a hook-and-line perspective, we would recommend working from the Bower Bank "B" proposal and altering the westward coordinates to the following:

175.500	54.9800
176.4600	55.4900
177.3300	55.7500
178.7500	53.2500

179.7400

52.5700

We could additionally support the area to the west of the above coordinates, extending westward to the western boundary of the original proposal "B", and limiting trawl gear, in this area, to trawls with a foot rope no greater than 8" in diameter (taken from Pacific Council).

**Alternative 4.** Designate nine (9) sites in the Aleutians (original proposals 15, 16, 17)

According to the Council's explanation of the option, these sites were sited by trawl skippers because the areas were untrawlable and may be areas of high relief hard coral and may be good rock fishing habitat. This may all be accurate. However, the sites selected for consideration are significantly areas where sablefish, halibut and brown crab operations take place. Of the nine sites proposed in this alternative, six are somewhat duplicative of the options in Alternative (2). The Association members do not support the larger sites proposed as HAPCs in Alternative 4. The following is a brief discussion of the different areas.

**South Amlia/Atka** - This area is an important sablefish and brown crab area.

**Kanaga Volcano** - There is some halibut but due to the steep terrain to the immediate north side of this site, this is an important sablefish area.

**Cape Moffet (2 areas)** - The terrain in this proposed HAPC is similar to Kanaga Volcano site and makes it an important sablefish area. The areas on the North side of the Aleutians are very important for hook and line gear as the south side has much stronger tides, which precludes hook and line fishing operations. We have supported an amended HAPC in the Cape Moffet area under Alternative (2).

**Great Sitkin** - We have supported an alternate HAPC in this area under Alternative (2). This area lies on the north side of the Aleutians and the drop off is somewhat less making it an important halibut habitat.

**Adak South** - We have supported the Adak Canyon proposal in Alternative (2). This proposed area has some halibut fishing and potentially important sablefish due to the depth of the proposed site.

**Tanaga** - This area is a halibut area for the IFQ fleet.

**Kanaga Is.** - this area is important to halibut fishing and due to the size and depth important for sablefish operations.

**Amatignak/Ulak Islands** - The south side of these islands is important to the halibut IFQ fleet. We are currently supporting the Ulak site in Alternative (2). This site is simply too large.

This alternative suggests looking at the nine proposed sites in a study fashion without management restrictions or placing management restrictions on trawl efforts only. At this time, until the smaller sites in Alternative (2) can be studied and fishing effects quantified, the Association members support the modifications and options we supported in Alternative (2).

The Halibut Commission's analysis of harvest in the nine (9) areas should be interpreted as follows. In order to have the halibut in the Aleutians harvested, there are many small sites that are fished, each by a small frequency of numbers of vessels. This is because, unlike the central Gulf of Alaska, the sites in the Aleutians play out quickly and it takes a year for them to fill back in with migrating fish. Hence, when you look at these sites, the IPHC catch information shows basically one or two IFQ fishing efforts in each area. The nine (9) sites proposed in this alternative could collectively represent 15 to 20 percent of the IFQ and CDQ quotas in this Aleutian area.

The following is a summary of the members' recommendations on the various Action Items for HAPC.

**Action 1** - Seamount Area: FVOA can support Alternative 2 or 3.

**Action 2** - GOA Corals (Sanak, Albatross and Middleton): FVOA can support as recommended for analysis at the March Council meeting.

**Action 2** - Alternative 3 sites (4) in S.E. Alaska: FVOA defers comments to the S.E. Alaska fishermen's groups.

**Action 3** - Alternative 2: FVOA can support the HAPCs as proposed at Adak Canyon, Semisopochnoi, Ulak Island, and Cape Moffet from proposal 19 by NMFS. FVOA supports the Bobrof Island site (proposed by NMFS) with modification of the northern research area. Great Sitkin - We request that fixed gear be allowed to fish in a northern research area.

**Action 3** - Alternative 3 - Bower Ridge: FVOA recommends a geographical modification of the Bower "B" option from AMCC proposal 10 with an area that allows trawls with a foot rope no greater than 8".

Alternative 4 - FVOA recommends delaying consideration of this

alternative until further studies are done on the sites recommended in  
Action 3, Alternative 2.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert D. Alverson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert D. Alverson  
Manager

RDA:cb

# Alaskan Leader Fisheries

F/V Alaskan Leader  
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February 1, 2005

Ms. Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
Anchorage, Alaska 99501

RE: Agenda Item C-1/HAPC

Sent by Fax: 907-271-2817

Madam Chair and Members of the Council:

I would like to submit written comments on the proposals before the Council to establish HAPC areas. My focus will be on the areas outlined under Action 3 (Aleutian Island Corals), alternative #2. This alternative pertains specifically to all bottom contact gear, including hook-and-line, which is the gear our vessels utilize to harvest halibut and groundfish. The vessels in our company have fished the Aleutian Islands extensively for many years for sablefish, Pacific cod and halibut.

First, I would like to address the Council's call for proposals, as identified on page eight of the EA/RIR. The criteria identified for consideration requires that proposals meet at least two of the four HAPC considerations established in the EFH Final Rule: importance of ecological function, sensitivity, vulnerability, and rarity. Rarity was a mandatory criterion.

While little is known about the coral in the Aleutian Islands, scientists have identified certain areas as "coral gardens". As a long-time fisherman who has fished the entire Aleutian Islands area extensively, I can tell you that coral in the Aleutian Islands is not rare. As more is learned about this area, scientists are discovering this fact as well. Longline fishermen have fished around this coral for many years and have not disturbed the habitat. I believe the science is unclear about the potential impacts that longline gear may have on coral. The footprint of longline gear is so small, it is insignificant.

Page 209 of the analysis states, "*It is unknown whether management measures associated with the proposed HAPC's will result in a sustained/increased yield of any FMP species, relative to the status quo, because the linkage between fish productivity rates and these particular habitats is not well understood. It is assumed that the alternatives to the status quo would help maintain any non-use benefits associated with the ecosystem health and biodiversity of sensitive habitat areas by reducing the potential adverse effects of fishing activities.*"

R  
FEB - 2005  
N.P.F.M.C.

Comments to NPFMC on C-1  
Page Two

It is important to emphasize that one could assume that closing ALL fishing grounds to every gear type everywhere would benefit the ecosystem. This is not a good reason to do so. The potential negative impacts to the fishery must be considered and when the potential benefit to the habitat is unknown or seems to be unclear, it is not wise to make an assumption and close fisheries. As many people know, once an area is closed to commercial fishing, it is very difficult, if not impossible to re-open that area.

Page 210 of the EA/RIR states it clearly, "Based on the best available scientific information, existing habitat conservation measures appear sufficient to sustain FMP stocks at present abundance levels."

Page 212 clearly states that the waters around the Aleutian Islands are important for the halibut fishery. There is activity and dependence in ALL of the waters of the Aleutian Islands, due to the nature and structure of the habitat and fishery. In closing any one of these areas to longline gear, the potential benefits to the habitat are at best, uncertain, while the potential negative impacts to individual halibut fishermen who depend on these areas has not been fully appreciated.

Page 214 concludes by saying that if the fishing prohibitions are not adopted for bottom-contact gear, then fishing in these areas might increase in the future. I have a difficult time understanding that statement. As everyone knows, we are working our way through a non-Pollock vessel buyback, with attempts to rationalize the BSAI groundfish fisheries by implementing fishing cooperatives. This means that LESS effort, not more, will be the result of those pending actions.

As the Council works through the development of HAPC's, I ask that areas not be closed in order to satisfy some need that "something is being done". The fixed gear fleets that depend on the Aleutian Islands cannot bear the burden of area closures without some scientific basis.

Thank you for considering my comments.

Sincerely,



Robert J. Wurm  
Managing Partner

**Kozak & Associates, Inc.  
P. O. Box 2684 Kodiak, Alaska 99615  
(907) 486-8824**

February 1, 2005

Ms. Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
P. O. Box 103136  
Anchorage, Alaska 99615

RECEIVED  
FEB - 2005  
M.P.F.M.C.

Regarding: C-1 – Habitat Areas of Particular Concern

Dear Madam Chair:

I am writing to comment on the proposed HAPC areas under Action 3, alternative two in the Council's EA/RIR. Some of my clients are heavily involved in the harvest of golden king crab in the Aleutian Islands, as well as red king crab in the Adak area. I am writing to express their concerns and recommendations on these proposed closures.

As you know, the crab fisheries are known to have a small impact on the habitat. With this understanding, and the statements in the EA/RIR, I believe it is prudent to suggest that the Council not close any areas in the Aleutian Islands for fixed gear.

Shown below are statements from the EA/RIR that reflect this understanding:

**Page 210 – Alternative 1 (no action)**

**“Based on best available scientific information, existing habitat conservation measures appear sufficient to sustain FMP stocks at present abundance levels.”**

**Page 211 – Alternative 2 (adopt six coral garden sites)**

**“It is uncertain if this alternative would result in sustained/increased yield of any FMP species, relative to Alternative 1, because the linkages between fish productivity rates and habitat are not well understood.”**

In regard to the potential impacts on the golden and red king crab fisheries, the analysis attempts to identify the issues. I would like to address each of these as separate fisheries.



NPFMC – February 1, 2005  
Page Two

### **Golden King Crab**

#### **Page 55 – Effects of Fishing Activities on Fish Habitat (pot gear)**

A statement is made in this section that does not accurately reflect the use of pots in the golden king crab fishery. The document states, “A large number of pots are lost in Alaska fisheries every year.”

While this may be correct in some fisheries, it is not correct for the golden king crab fishery in the Aleutians. This fishery is prosecuted with longline gear, which does not appear to be described in the document, when considering fishing effects on habitat. However, since this is the primary gear being used in HAPC considered areas, it should be clearly identified and discussed in relation to lost gear issues. It is not correct that there is a serious pot loss issue with pots, which are longlined.

#### **Page 213-314 - Estimate of Revenue at Risk**

While the observer data shows about 8% of the golden king crab fishery occurring in the proposed HAPC areas, the document does not accurately reflect the dependence and need for the entire Aleutian Islands to be available to the fleet. The golden king crab fishery is a slow-paced fishery, with pot soak times substantially longer than those in the Bering Sea fisheries. The gear is worked on a weekly rotation. Most crab fishermen will work the exact same grounds year after year, with the pots being placed virtually in the same spot every time. If 8% of the effort is in a proposed HAPC area, where will the vessel or vessels go that depend on those areas? They will likely need to find new grounds or attempt to “share” grounds in another area with another vessel.

In reviewing the area described on Figure 2-10 on page 29 for the Semisopchnoi Island area, one of my clients has expressed that they have been fishing the northwest corner of the proposed closure area for close to 25 years. They have worked thousands of pots of gear in that area over the years. By closing this area to meet a perceived need for habitat protection, will force them to fish in other areas.

### **Red King Crab**

Page 214 of the document states that about 20% of the effort and catch in the Petrel Bank red king crab fishery occurred in the proposed HAPC area for Semisopchnoi Island. The analysis states, “A 20% revenue loss would be significant for the Petrel Bank red king crab fleet as a whole, as well as for individual vessels.”

The document further states that the fishery is currently closed and may not open in 2005, and seems to make the jump into suggesting that this is not a core fishing area. As the Council call for proposals clearly says, “...must be largely undisturbed and occur outside core fishing areas.” When the red king crab fishery reopens, this core fishing area will be needed by the fleet.

NPFMC - February 1, 2005  
Page Three

### Other Considerations

Another statement in the document that does not reflect reality is found on page 214, "There is, however, the possibility that, were the proposed HAPC designations and fishing prohibitions not adopted, fishing with bottom-contact gear in these habitat areas would increase in the future."

The facts are that the crab fisheries have experienced the last "open season" and beginning with the golden king crab fishery in 2005, all crab fisheries in the BSAI will be under an IFQ program. The idea that more fishing effort will occur is just not feasible.

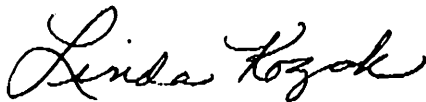
Based on my understanding of the goals identified in the Council's call for HAPC proposals, it does not appear that closing any area of the Aleutian Islands for the vessels using pot gear is appropriate or necessary. In fact, by closing areas that are utilized, however infrequently by some, the fishery would become more concentrated and could result in localized depletion of the resource. The cost to the industry cannot be fully identified as indicated on page 222 of the analysis, "...it is unlikely that even the industry members themselves can fully anticipate the size and distribution of effects of the HAPC alternatives considered."

Another issue that should be of concern is the increased cost of enforcement. According to the analysis on page 215, "Alternative 2 likely has the potential to increase management and enforcement costs, although it is not possible to estimate by what amount."

It does not seem to make sense to adopt regulations, which will have a negative impact on the industry, as well as increased enforcement costs, without having a clear understanding of the benefits to the habitat.

On behalf of my clients who fish for golden and red king crab in the Aleutian Islands, I am asking that the Council adopt Alternative 1 (no action) for the Aleutian Island corals.

Sincerely,



Linda Kozak

**Public Testimony Sign-Up Sheet**

**and**

**Handouts Received During the  
Meeting on this Agenda Item**

# Public Testimony Sign Up Sheet

Agenda Item HAPC C-1 (c)

Feb  
2005

	NAME (PLEASE PRINT)	AFFILIATION
1	<del>JES</del>	<del>A.L.F.A.</del>
2	JASON BRUNE	ROL
3	JES Moberg	FIN WILLOW
4	Bob Alverston / Ken / VED	FVOA / SEATTLE
5	Jon Warranduk	Ocean
6	JOHN GAUVIN	GROUNDERS # FORUM
7	DAVE FRASER	Alentians Cod Mkt. Assoc.
8	Ben Entelmeup	AMCC
9	Whit Shedd	The Ocean Conservancy
10	Donna Parker	HSCC
11	Dave Benton	MCA
12	Michelle E. Grew	
13	Ann Turner	ACC
14		
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

10/27/01

① 10/27/01

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10/27/01

10/27/01

10/27/01



C-1c Bob Alverson  
Public Test,  
2-10-05 4:15p

(corrected)

Motion

1. To accept HAPC Action 3, Alternative 2 Adak Canyon, from Page 26 EARIR
2. Motion to accept HAPC Action 3, Alternative 2, Cape Moffet, from Page 27 EARIR
3. Motion to accept HAPC Action 3 Alternative 2, Bobrof, "clarifying that the area to the north of 51.5560 N. Latitude is research area", from Page 28 EARIR
4. Motion to accept HAPC Action 3, Alternative 2, Semisopochnoi Island, from Page 29 EARIR
5. Motion to accept HAPC Action 3 EARIR with following changes, including the northern area defined as below, as part of the research area, from Page 30

176 12 20	52 09 30
176 06 00	52 09 30
176 06 00	52 08 50
176 12 20	52 07 00

6. Motion to accept HAPC Action 3, Alternative 2 Ulak Island , from Page 31 EARIR

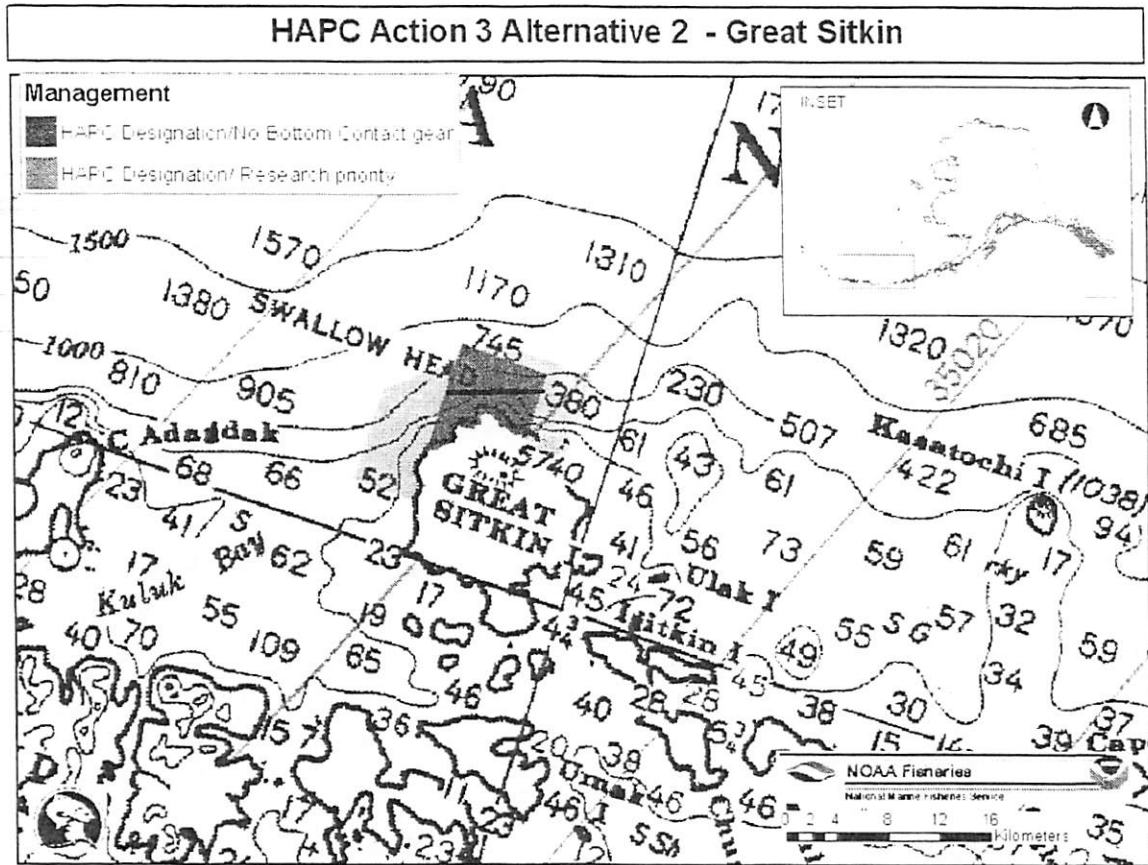


Figure 2-11. Location of proposed HAPC site at Great Sitkin, Action 3 Alternative 2.

**Table B.2-4. Derivation of Fishing Effort Adjustments from Units Recorded by Observers to Square km**

<b>Gear</b>	<b>Vessel Class</b>	<b>Width (meters)</b>	<b>Speed (knots)</b>	<b>Observer Coverage</b>	<b>Distance (m)</b>	<b>Distance per Hook (m)</b>	<b>Proportion on Bottom</b>	<b>Unit</b>	<b>Area (km<sup>2</sup>)/Unit</b>
Bottom Trawl	Gt 125	166	3.6	1	N/A	N/A	1	hour	1.11
	Lt 125	90	3.3	0.32	N/A	N/A	1	hour	1.72
Rough Bottom Trawls (Aleutian)	Gt 125	50	3.6	1	N/A	N/A	1	hour	0.33
	Lt 125	50	3.3	0.32	N/A	N/A	1	hour	0.95
Pelagic Trawl	Gt 125	136	3.9	1	N/A	N/A	0.44	hour	0.43
	Lt 125	75	3.5	0.23	N/A	N/A	0.44	hour	0.93
Longline	Gt 125	2	N/A	1	N/A	1.28	1	hook	0.000003
	Lt 125	2	N/A	0.3	N/A	1.28	1	hook	0.000009
Pot	All	2.13	N/A	0.3	4.26	N/A	1	pot	0.000030



C-1c handout  
2-10-05 500p

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ALASKA CRAB COALITION  
COMMENTS TO THE NPFMC ON AGENDA ITEM C-1,  
ESSENTIAL FISH HABITAT (EFH) AND HABITAT AREAS OF  
PARTICULAR CONCERN (HAPCs)  
Arni Thomson, Executive Director  
Alaska Crab Coalition (ACC)  
February 10, 2005

The ACC was present during the NMFS presentations on both the EIS for EFH and the EIS and EA/RIR for HAPCS in the Advisory Panel discussions of these issues. The ACC also presented comments to the Advisory Panel on HAPCs in the Aleutian Islands and listened to the Advisory Panel deliberations on both of these issues. In addition, the ACC has participated in NPFMC discussions and testimonies on these issues over the last two years.

**The ACC supports the NPFMC Advisory Panel motion in its EIS and HAPC recommendations for the Gulf of Alaska, the Bering Sea and the Aleutian Islands.**

At this meeting, the ACC has been focused on the HAPC site-specific areas of Essential Fish Habitat of managed species in the Aleutian Islands. The Advisory Panel when it addressed Action 3, the proposed Alternatives 2, and 3, recommended modification of the proposed management action for designating the six coral garden sites within the Aleutian Islands and Bowers Ridge, from a prohibition on bottom contact gear, to a prohibition on bottom trawl gear only.

During the Advisory Panel discussions, the following information was presented, and it became a significant part of the rationale for removing fixed gear from the proposed management action for the Aleutian Islands part of the motion. The reference from the EIS, parallels information the ACC has previously presented to the Council in public testimony and written comments, namely that the overall footprint of pot gear on the benthic habitat totals less than 1 square nautical mile per year.

A reference from the Preliminary Final Environmental Impact Statement for Essential Fish Habitat, January 2005, Appendix B-10 and Appendix B, Table B.2-4, Definition of Fisheries and Description of Gear Used notes the following:

For the BSAI crab fisheries, the analysis found that the fisheries have an extremely small overall footprint, totaling less than 1 square (nm) per year equating to less than 0.0007 per cent of the total available benthic EFH area. The effects of this fishery are concentrated in an extremely small proportion of available EFH; thus, these effects are considered minimal and temporary in nature.