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April 8, 2016

Mr. Dan Hull, Chair
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Dr. James Balsiger, Regional Administrator
NOAA Fisheries, Alaska Region
709 West Ninth Street
Juneau, AK 99802-1668

RE: D1 EFH 5-Year Review - Review draft report; Ecosystem Committee report

Dear Chairman Hull, Dr. Balsiger, and Council Members,

Oceana commends the National Marine Fisheries Service (NMFS) staff and contractors for preparing an Essential Fish Habitat (EFH) Review Report,[1] and we appreciate the opportunity to comment. Since our inception, Oceana has prioritized the protection of important habitat, and we look forward to participating actively in this process. With the increasing pressure of climate change, development, and cumulative impacts from industrial activities, the Council and NMFS can use this opportunity to improve the condition and resilience of marine habitat in the North Pacific. Substantively, NMFS's conclusion that none of the fishing activities it authorizes result in more than minimal and temporary adverse effects on EFH is fundamentally incorrect. Many groups commented on this troubling conclusion at great length during the EFH Environmental Impact Statement process and we incorporate those comments by reference.[2]

The law requires NMFS to to identify and protect EFH. Changes to the descriptions of EFH could be warranted if there are new insights on the life history and habitat requirements of FMP species. Unfortunately, there has not been sufficient time to allow thorough review of the Council materials to determine whether such new information exists. We urge the Council to allow the public and the SSC additional time to review any proposed models that could influence the way EFH is managed in Alaska. There was a large amount of material posted on the Council webpage very shortly before the public comment deadline for this meeting. Some key materials, including a summary of the Harris, et al. proposed Fishing Effects model and key tables of parameters[3] were posted after the deadline. Further, contrary to what is reported in the

[1] NMFS. 2016 Review of Essential Fish Habitat (EFH) in the North Pacific Council's Fishery Management Plans.
[2] Ocean Conservancy, Oceana, Alaska Oceans Program, National Environmental Trust, Center for Biological Diversity, Defenders of Wildlife. 2004. Comments on the Draft Environmental Impact Statement for Essential Fish Habitat Identification and Conservation in Alaska. https://alaskafisheries.noaa.gov/habitat/efh-deis-comments
[3] D1 Addendum- Tables for Fishing Effects Ch-11

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discussion paper, it does not appear the SSC has thoroughly reviewed the proposed Fishing Effects model. There are no records of the SSC's comments or a review of the EFH models in the Oct 2014 SSC report when the Council document states that the review occurred.[4]

Nonetheless, the Council is being asked to determine whether to move forward with changes to its process and the designations that have been in place for more than ten years. Additional time is needed for adequate public and Council review and input.

Further, we are concerned about adopting the draft Fishing Effects (FE) model proposed by Harris, et al. without an opportunity to evaluate its relevance to Alaskan habitats and species. The proposed FE model incorporates the New England Fishery Management Council's (NEFMC) interpretation of habitat susceptibility and recovery.[5] Alaska is a vastly different region with it's own unique suite of species, habitats, and fishing history that may not be amenable to the same modeling.

Even with an albeit brief review, it appears there are shortcomings in the FE model that would result in an underestimate of the impact of fishing on EFH. While the FE model it is an attempt to update the LEI model, it loses the analysis of long-term and cumulative effects by looking at habitat differences over shorter periods of time and does not start from an assumed pristine habitat baseline. The FE model also assumes no habitat feature takes more than 10 years to recover, despite studies that estimate the recovery of coral and sponge habitat in Alaska to take decades.[6] The model instead uses the New England Council's habitat susceptibility and recovery indices, and assumes that most of the habitat-forming invertebrates in our region have a recovery rate of only 2-5 years.[7] Typically, anemones, sea whips, corals, and sponges are long-lived and slow-growing and this overly optimistic recovery rate assumption is contrary to what we know about recruitment, growth rates, and succession of these habitat-forming invertebrates.

The NEFMC's habitat susceptibility and recovery indices were developed from a global literature review (which included some studies from Alaska), but it gave higher weighting to studies most relevant to the New England region.[5] If the same approach is to be used to estimate sensitivity and recovery indices in Alaska, it should be repeated with the studies most relevant to

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[4] Oct 2014 SSC minutes http://www.npfmc.org/council-meeting-archive/

[5] New England Fishery Management Council (NEFMC) 2011. The Swept Area Seabed Impact (SASI) approach: a tool for analyzing the effects of fishing on essential fish habitat. New England Fishery Management Council report. Newburyport, MA.

[6] Rooper, C.N., Wilkins, M.E., Rose, C.S. and Coon, C., 2011. Modeling the impacts of bottom trawling and the subsequent recovery rates of sponges and corals in the Aleutian Islands, Alaska. *Continental Shelf Research*,*31*(17), pp.1827-1834.

[7] Addendum to Fishing Effects Ch 11, Table 4

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the Alaska region weighted highest. The NEFMC also acknowledged that given the same methods, feature definitions, gear type definitions, and literature to draw from, a different group of experts might score susceptibility and recovery differently.[5] For the reasons above, the NPFMC would benefit from a working group of scientists (and including scientists other than those contracted to build the model) to evaluate the Fishing Effects model and develop recovery and sensitivity indices tuned to Alaska habitats.

We also note with concern that the Summary Report states that "changes to EFH . . . do not represent major or controversial policy or legal revisions, [and] it is likely that analyses would be accomplished through environmental assessments tiering off the EFH EIS." It may be that small changes to the description of EFH or the maps depicting it would not trigger the requirement to prepare an environmental impact statement (EIS). Generally, however, the law requires a full EIS when substantial new information or analyses are prepared. We encourage the Council to avoid the pitfalls that may result from avoiding meaningful compliance with the National Environmental Policy Act and to examine carefully the NEPA process being undertaken by the Pacific Council as it goes through its EFH five-year review.

Oceana supports the EFH conservation actions taken by the North Pacific Fishery Management Council thus far. We look forward to working with you to continue to improve the identification and protection of EFH in all Fishery Management Plans.

Sincerely,

Jon Warrenchuk
Senior Scientist and Campaign Manager
Oceana