


Public Testimony Sign-Up Sheet

Agenda Item D-3 (A) BS Habitat Conservation

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5	IAIN STENHOUSE.	AUDUBON ALASKA
6	JOHN GAWIN	H+G WORKGROUP
7	Jori Swanton	Groundwater Forum
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9	Jim Ayers / Jon Wennechuk	Oreana
10	Glen. Reed	PSRA
11	DAVE BENFON	MCA
12	Paul MacGyver / Brent	Alsea Council / UCB
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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.

MEMORANDUM

TO: Council and AP Members
FROM: 
Chris Oliver
Executive Director
DATE: March 21, 2007
SUBJECT: Habitat Conservation

ESTIMATED TIME 6 HOURS (All D-3 Items)
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ACTION REQUIRED:

- a) Initial review of Bering Sea habitat conservation measures.
- b) Review HAPC priorities and timing, and take action as necessary.

BACKGROUND:

Bering Sea Habitat Conservation

The Council took action in February 2005 to conserve essential fish habitat (EFH) from potential adverse effects of fishing. The EIS prepared for the action concluded that while fisheries do have long term effects on benthic habitat, these impacts were minimal and had no detrimental effects on fish populations. The Council adopted several new measures to minimize the effects of fishing on EFH in the Aleutian Islands and Gulf of Alaska. In evaluating alternative measures for the Eastern Bering Sea area, the Council determined that additional habitat protection measures were not required, and that an expanded analysis of potential mitigation measures should be conducted prior to taking action. In December 2005, the Council discussed alternatives and finalized a problem statement.

The Council intends to evaluate potential new fishery management measures to protect Essential Fish Habitat (EFH) in the Bering Sea. The analysis will tier off of the 2005 EFH Environmental Impact Statement and will consider as alternatives open and closed areas and gear modifications. The purpose of the analysis is to consider practicable and precautionary management measures to reduce the potential adverse effects of fishing on EFH and to support the continued productivity of managed fish species.

The Council developed alternatives for the analysis during several meetings in 2006. In February 2007, the Council reviewed a preliminary draft of the analysis, and refined the alternatives and options. The February Council motion is attached as Item D-3(a)(i).

A revised draft analysis was mailed to you two weeks ago; the executive summary is attached as Item D-3(a)(ii). At this meeting, the Council will make an initial review of the analysis. Final action is scheduled for the June meeting.

Habitat Areas of Particular Concern (HAPC)

In December 2006, the Council received a staff report on the HAPC identification process. HAPC are site-specific areas of EFH for managed species. Identification of HAPC provides focus for additional conservation efforts for those habitat sites that are ecologically important, sensitive to disturbance, exposed to development activities, or rare. During deliberations of the Bering Sea Habitat Conservation alternatives in December, the Council decided that skate nurseries will be considered as a priority in the next HAPC cycle. Additionally, the Council scheduled for the March meeting, a discussion of possible HAPC priorities and a schedule for solicitation of HAPC proposals.

The HAPC identification process is defined in Appendix J of the EFH EIS (attached as Item D-3(b)(i)). The HAPC cycle begins with a call for HAPC nominations, with a focus on specific sites consistent with HAPC priorities designated by the Council. Appendix J specifies that HAPC proposals may be solicited every 3 years or on a schedule established by the Council. For the 2004 cycle, the Council designated as priorities the EEZ seamounts and areas with corals associated with rockfish. The Council received 23 HAPC proposals from six different organizations. After an initial screening by staff, the proposals were reviewed by the Plan Teams and underwent an initial review to consider management, enforcement, and socioeconomic issues. Ultimately, the Council identified a range of alternatives, staff completed an analysis, and the Council established several new HAPCs. Management measures for these HAPCs were implemented in August 2006. The timeline for the 2004 process is captured in the table below:

October 03	Council Identifies HAPC Priorities FR Notice to Initiate Call for HAPC Proposals
January 04	Comment Period Closes
February 04	Council review and decision as to which ideas should be forwarded for Plan Team review.
March 04	Plan Team Review- Special Meeting Preliminary Enforcement and Socioeconomic Reviews
April/June 04	Council Identifies HAPC Alternatives for Analysis
December 05	Initial Review
February 05	Final Review

At this meeting, the Council may wish to discuss HAPC priorities, and a timeline for the next HAPC identification process.

Draft Council Motion
NPFMC
Agenda Items D-4(a)(b)
February 12, 2007
2:15pm

D-4 (a) Aleutian Island Habitat Conservation Area

Move to adopt the SSC and AP recommendation to approve the Initial Review of the AI Habitat Conservation Area analysis, and proceed with the next draft, but incorporating the SSC recommendations.

D-4 (b) Bering Sea Habitat Conservation Area

Adopt the SSC recommendation to restructure the alternatives in a manner to improve comparisons of the alternatives and options, and a clarification of the northern research area that develops a well-designed experiment as follows:

Both the AP and SSC recommended reorganizing the alternatives and options, so that different combinations of options could be chosen, and the effects clearly analyzed in the document. The following set of revised alternatives and options address these recommendations. Note that the major components are considered as alternatives, and the minor components are provided as options. These Options can be chosen in any combination with any of the alternatives.

Alternative 1: Status quo. No additional measures would be taken to conserve benthic habitat.

Alternative 2: Open area approach. This alternative would prohibit non-pelagic trawling outside of a designated 'open area'. Non-pelagic trawling would be prohibited in the northernmost shelf area and the deepwater basin area of the Bering Sea. There is only one open area analyzed, which is based on the EFH EIS area, modified using non-pelagic trawl effort distribution data through 2005, as refined from Alternative 2 in the preliminary review draft.

The open area approach will contain the boundaries as negotiated by representatives of the coastal communities and the flatfish industry near Etolin Straits and represented in the open area approach.

Alternative 3: Gear modifications. This alternative would require gear modifications for all non-pelagic trawl gear used in flatfish target fisheries. Specifically, this alternative would require discs on non-pelagic trawl sweeps to reduce seafloor contact and/or increase clearance between the sweep and substrate. A performance standard of at least 2.5 inches elevation of the sweep from the bottom would be required

The below options could be selected with any Alternative (s).

Option 1. Close the area around Saint Matthew to non-pelagic trawling. This area would be configured such that the area near St. Matthew Island is closed to conserve blue king crab habitat

Option 2. Close the area to non-pelagic trawling around Nunivak Island and Etolin Strait as in Option 3. This area would be configured such that the area around Nunivak Island and Etolin Strait is closed to conserve nearshore habitats.

Suboption 1: Close the area to non-pelagic trawling around St. Lawrence Island. This area would be configured such that the area around St. Lawrence Island is closed to non-pelagic gear to conserve nearshore habitats.

Option 3. Close an area to non-pelagic trawling around Nunivak Island with the southern border extending along the nearshore portion of Etolin Strait and Kuskokwim Bay. This area would be configured such that the area in southern Etolin Strait and Kuskokwim Bay is closed to conserve nearshore habitat and minimize potential interactions with community use and subsistence fisheries taking place in the nearshore areas. The boundaries of this closure area are the result of negotiations by representatives of the flatfish industry and coastal communities.

Suboption 1: Close the area to non-pelagic trawling around St. Lawrence Island. This area would be configured such that the area around St. Lawrence Island is closed to non-pelagic gear to conserve nearshore habitats.

Option 4: Northern Bering Sea Experimental Fishing Area is the northern boundary line of the open area under Alternative 2, stretching from the Russian border around the southern Blue king crab protection area of St. Matthew Island to and around the southern portion of Nunivak Island and across Kuskokwim Bay to Cape Newenham. The area would be closed to fishing with non-pelagic trawl gear. The Council requests the NOAA/NMFS Alaska Fisheries Science Center design an adaptive management experiment in the closed northern area described under this option to study the effects of non-pelagic trawling in previously untrawled areas. The study should include open and closed areas and appropriate monitoring to study fishing impacts on benthic communities and ecological process, particularly as this relates to juvenile snow crab. The adaptive management experiment design will include review by the SSC. NMFS will provide the draft adaptive management experiment design to the Council for review within 18 months following the Federal Register publication of the final rule for this action.

The intent of option 4 is to set aside a relatively untrawled area that may be used for non-pelagic trawl effects research.

EXECUTIVE SUMMARY

The purpose of this analysis is to evaluate impacts of alternatives to further conserve fish habitat in the Eastern Bering Sea. In February 2005, the Council took final action on the EFH EIS (NMFS 2006a) to adopt a suite of measures to conserve EFH in the GOA and AI from potential impacts due to fishing. At the time of final action, the Council took no action to implement additional conservation measures in the Eastern Bering Sea, as the analysis found such additional measures were neither required by law nor necessary or practicable measures. Further, the alternatives considered for Bering Sea habitat conservation required additional 'fine-tuning' before they could be considered as practicable measures. Alternatives to modify gear did not have sufficient research to understand what the scale of beneficial effects on habitat, and the alternatives for the open areas had left out historically important and lucrative fishing grounds, and included rotating closures that were found to have questionable merit. So to address these issues, the Council notified the public that it planned to take a more focused examination of potential measures to further conserve fish habitat, including EFH, in the Eastern Bering Sea by initiating a separate analysis that would tier off of the EFH EIS. This analysis provides an examination of a range of reasonable alternatives to conserve fish habitat in the Eastern Bering Sea.

The need for this analysis is the recognition that additional analysis beyond the EFH EIS is needed to consider measures for the conservation of fish habitat in the Bering Sea. New information on potential gear modifications to protect bottom habitat has become available since the EFH EIS and allows for a gear modification alternative that could not have been considered in the EFH EIS. The Council wishes to protect fish habitat in support of commercial fisheries and subsistence activities in the Eastern Bering Sea, ensuring consistency with national standard 8 of section 301 of the Magnuson-Stevens Fishery Conservation and Management Act. Thus, evaluation of additional measures, and possible implementation of them, provides a precautionary approach in light of incomplete knowledge of fish dependence upon habitat, and the effects of fisheries on that habitat. The problem statement adopted by the Council for this analysis is provided below:

Problem Statement: The Council intends to evaluate potential new fishery management measures to protect Essential Fish Habitat (EFH) in the Bering Sea. The analysis will tier off of the 2005 EFH Environmental Impact Statement and will consider as alternatives open and closed areas and gear modifications. The purpose of the analysis is to consider practicable and precautionary management measures to reduce potential adverse effects of fishing on EFH and to support the continued productivity of managed fish species.

This EA/RIR/IRFA evaluates the impacts of two primary alternatives to the status quo, along with several minor components which are considered as options to the alternatives. These options can be chosen in any combination with any of the alternatives. The alternatives and options are as follows:

Alternative 1: Status quo. No additional measures would be taken to conserve benthic habitat.

Alternative 2: Open area approach. This alternative would prohibit non-pelagic trawling outside of a designated 'open area'. Non-pelagic trawling would be prohibited in the northernmost shelf area and the deepwater basin area of the Bering Sea. There is only one open area analyzed, which is based on the EFH EIS area, modified using non-pelagic trawl effort distribution data through 2005. Note that the open area approach will contain the boundaries for the Etolin Strait Area as negotiated by representatives of these coastal communities and the flatfish industry.

Alternative 3: Gear modifications. This alternative would require gear modifications for all non-pelagic trawl gear used in flatfish target fisheries. Specifically, this alternative would require discs on non-pelagic

trawl sweeps to reduce seafloor contact and/or increase clearance between the sweep and substrate. A performance standard of at least 2.5 inches elevation of the sweep from the bottom would be required.

The options below could be selected in combination with any Alternative; more than one option can be chosen.

Option 1. Close the area around Saint Matthew to non-pelagic trawling. This area would be configured such that the area near St. Matthew Island is closed to conserve blue king crab habitat

Option 2. Close an area to non-pelagic trawling around Nunivak Island with the southern border extending along the nearshore portion of Etolin Strait. This area would be configured such that the area around Nunivak Island and Etolin Strait is closed to conserve nearshore habitats, and minimize potential interactions with community use and subsistence fisheries taking place in the nearshore areas.

Option 3. Close an area to non-pelagic trawling around Nunivak Island with the southern border extending along the nearshore portion of Etolin Strait and Kuskokwim Bay. This area would be configured such that the area in southern Etolin Strait and Kuskokwim Bay is closed to conserve nearshore habitat and minimize potential interactions with community use and subsistence fisheries taking place in the nearshore areas. The boundaries of this closure area are the result of negotiations by representatives of the flatfish industry and coastal communities.

Option 4: Close an area to non-pelagic trawling from the northern boundary line of the open area under Alternative 2, stretching from the Russian border around the southern end of St. Matthew Island to and around the southern portion of Nunivak Island and across Kuskokwim Bay to Cape Newenham and designate it as the Northern Bering Sea Experimental Fishing Area. The Council requests the NOAA/NMFS Alaska Fisheries Science Center design an adaptive management experiment in the closed northern area described under this option to study the effects of non-pelagic trawling in previously untrawled areas. The study should include open and closed areas and appropriate monitoring to study fishing impacts on benthic communities and ecological process, particularly as this relates to juvenile snow crab. The adaptive management experiment design will include review by the SSC. NMFS will provide the draft adaptive management experiment design to the Council for review within 18 months following the Federal Register publication of the final rule for this action.

Option 5: Close the area to non-pelagic trawling around St. Lawrence Island. This area would be configured such that the area around St. Lawrence Island is closed to non-pelagic gear to conserve blue king crab habitat and minimize potential interactions with community use and subsistence fisheries taking place in nearshore areas.

The analysis of direct, indirect and cumulative effects for the proposed action indicated no significant impacts on the human environment from the alternatives. None of the Alternatives place significant gross first wholesale revenues at risk that cannot easily be mitigated with minimal to no added cost to the primary affected head and gut catcher processor fleet sector. Some Western community concern has been presented and may need addressing in this analysis in terms of buffer zones for subsistence use close to villages or used shorelines. Ongoing discussions are occurring amongst the fishing industry and the communities on this issue. The separate options may address some of these concerns.

The status quo provides protection for vulnerable benthic habitat with existing trawl closures bottom trawl closures. The EFH EIS (NMFS 2006a) concluded that no additional measures were neither required by law nor necessary or practicable measures. Thus, Alternative 1 is not likely to result in any significant effects regarding habitat, target species, non-target resources, protected species or the ecosystem.

The impacts of Alternative 2 likely are similar in magnitude to Alternative 1 due to the slight size change of the open areas and the status quo given the recent and historic distribution of fishing effort. From an environmental perspective, Alternative 2 may have beneficial effects on Steller's Eiders and Spectacled Eiders and have insignificant short-term effects regarding habitat, target species, non-target resources, protected species or the ecosystem. Nevertheless, an open area approach may be a precautionary measure in terms habitat protection by preventing northward expansion of the bottom trawl fishery. Basically, Alternative 2 would set aside areas that would remain in a relatively pristine condition in the future. Alternative 2 would have some economic costs to the fishery relative to options to protect communities as well as future northward fishery expansion in particular to the H&G catcher processor sector. Under the current fishery, however, these impacts are minor.

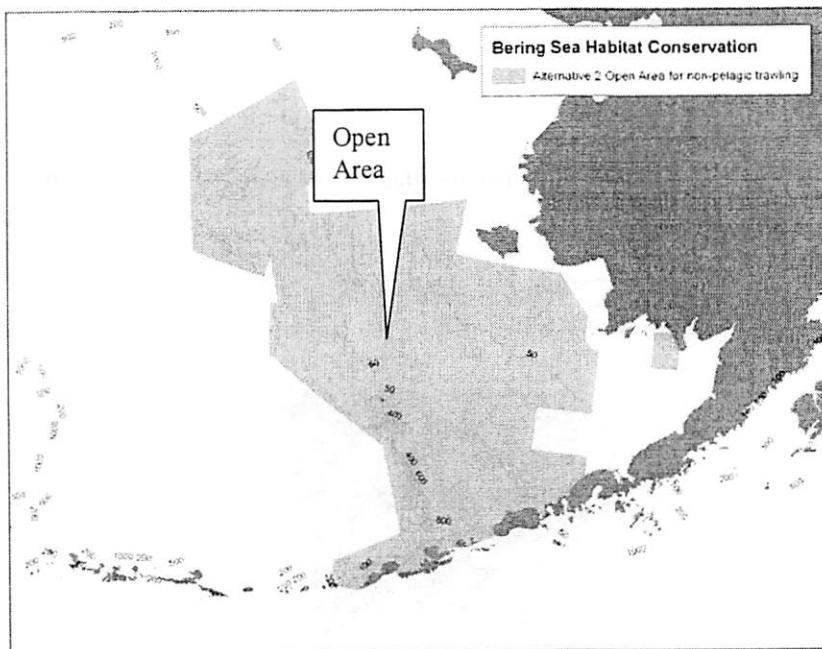


Figure ES- 1 Alternative 2. Open Area Approach for Bering Sea. This alternative would prohibit non-pelagic trawling outside of a designated 'open area'. Non-pelagic trawling would be prohibited in the northernmost shelf area and the deepwater basin area of the Bering Sea.

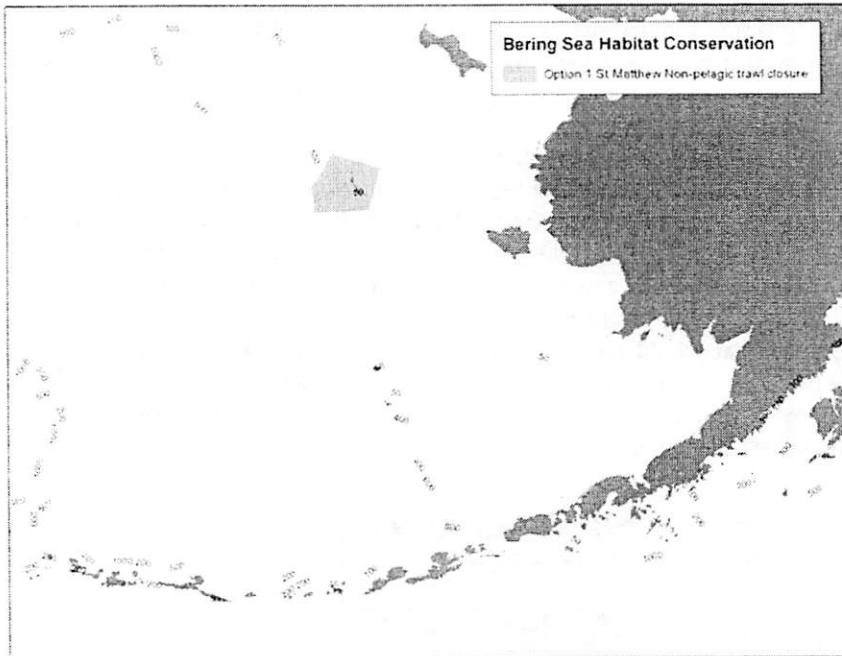


Figure ES- 2 Option 1. Close the area around Saint Matthew to non-pelagic trawling to conserve blue king crab habitat.

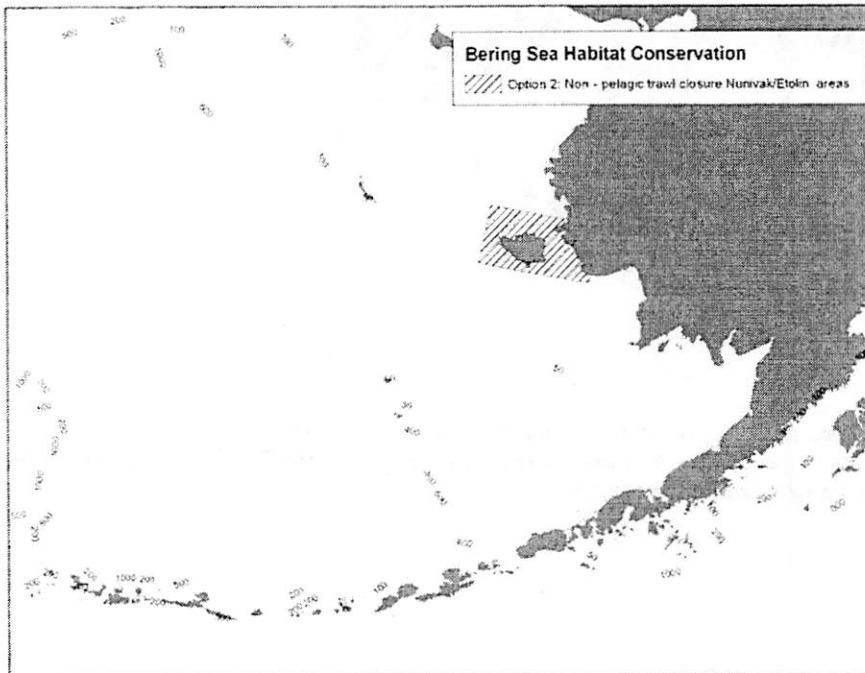


Figure ES- 3 Option 2. Close an area to non-pelagic trawling around Nunivak Island with the southern border extending along the nearshore portion of Etolin Strait such that the area is closed to conserve nearshore habitats, and minimize potential interactions with community use and subsistence fisheries taking place in the nearshore areas.

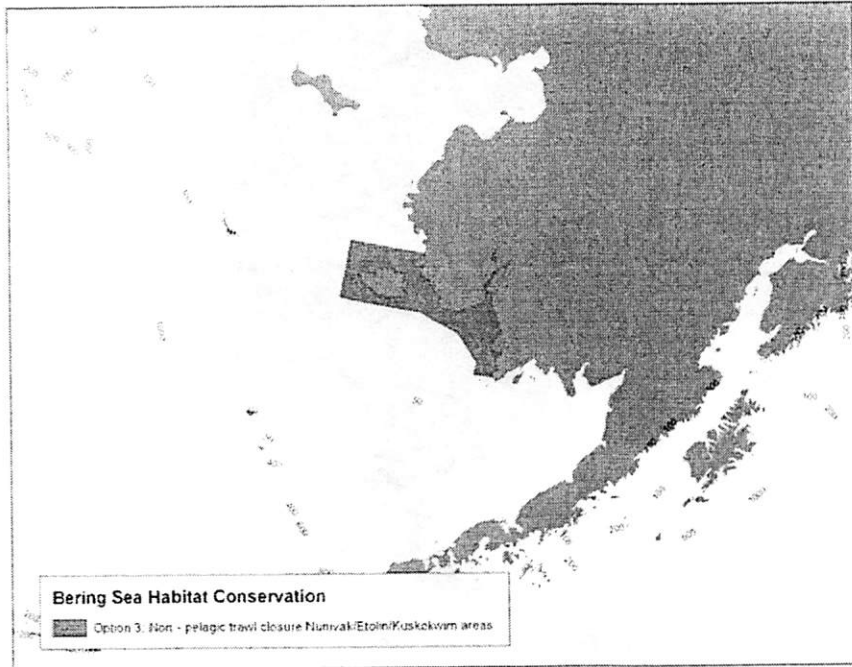


Figure ES- 4 Option 3. Close an area to non-pelagic trawling around Nunivak Island with the southern border extending along the nearshore portion of Etolin Strait and Kuskokwim Bay to conserve nearshore habitat and minimize potential interactions with community use and subsistence fisheries taking place in the nearshore areas.

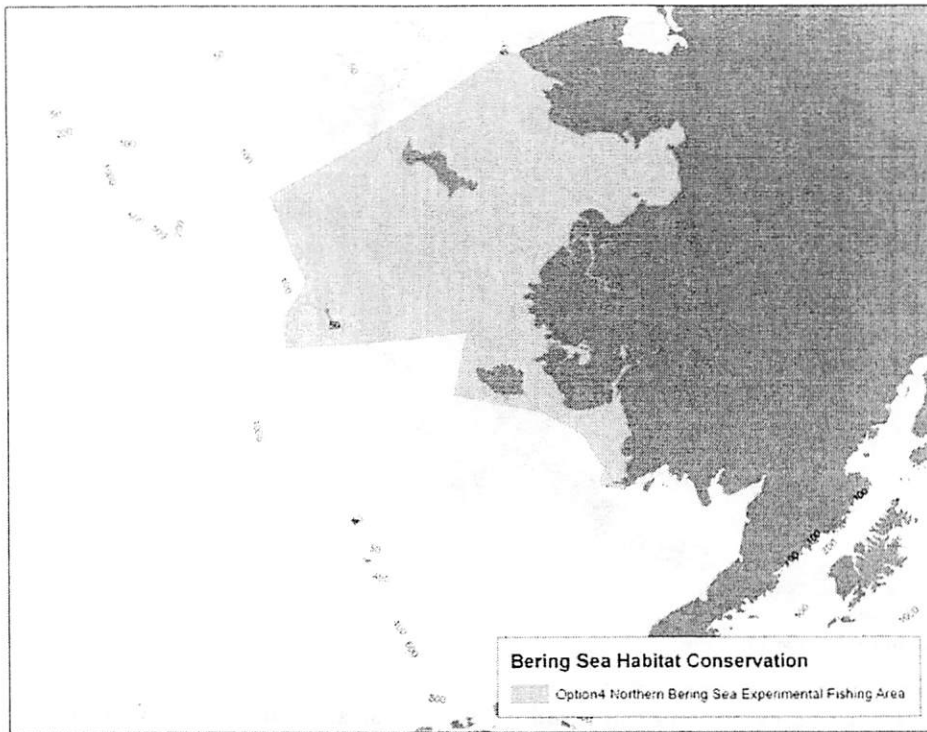


Figure ES- 5 Option 4. The Northern Bering Sea experimental fishing area would be closed to fishing with non-pelagic trawl gear.

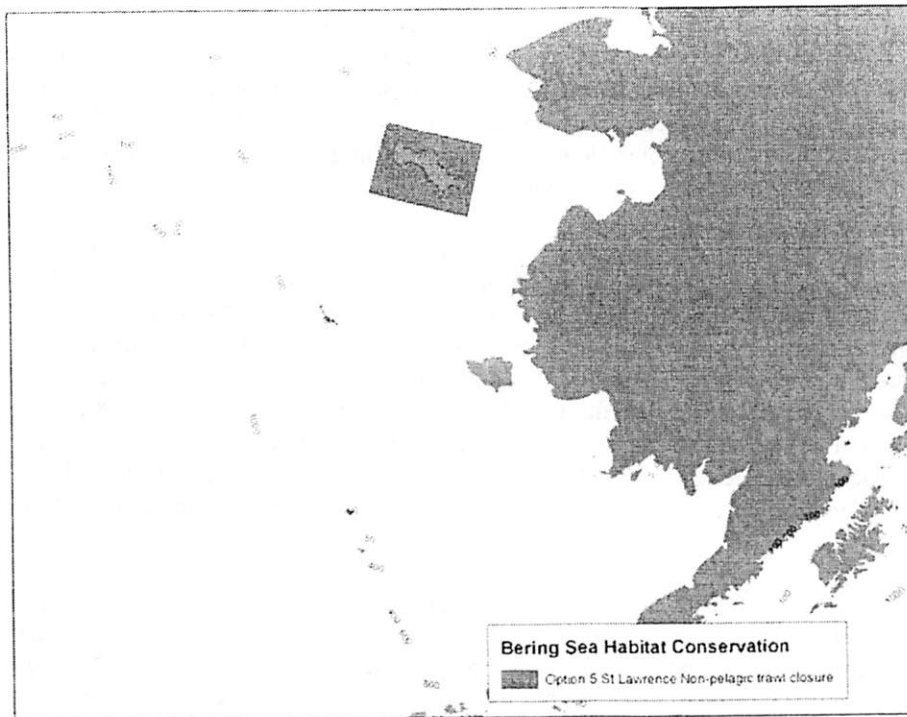


Figure ES- 6 Option 5. Close the area to non-pelagic trawling around St. Lawrence Island to conserve blue king crab habitat and minimize potential interactions with community use and subsistence fisheries taking place in nearshore areas.

The impacts of Alternative 3 result from reducing gear contact with the bottom. From an environmental perspective, Alternative 3 would have beneficial effects regarding habitat, and insignificant effects regarding target species, non-target resources, protected species or the ecosystem. There would be some minor costs associated with the gear modification; current estimates are less than \$3,000/ operating vessel. Alternative 3 has some economic costs to the fishery in particular to the H&G catcher processor sector 0.16% revenue at risk as a percent to status quo.

Option 1 would close the area around Saint Matthew to non-pelagic trawling to conserve blue king crab habitat. This option would provide some positive benefits to blue king crab habitat the area extends southwest to protect juvenile, non-ovigerous female and male blue king crab habitat, and northeast to protect ovigerous females habitat. This crab stock is severely depleted and designated overfished. There has historically been some about of trawl effort, targeting Pacific cod and flatfish species just to the north of St. Matthew. Maps of fishing effort by Fritz et al. (1998) indicate that a strip of area immediately north of St. Matthew has been an area with very high CPUEs for Pacific cod and more recent observer data indicates high CPUEs of flatfish species. It is unknown at this time how many vessels, or how much fish has been harvested by non-pelagic trawls fishing this area. At a maximum, the number of vessels targeting groundfish, and the revenue at risk, would be the same as calculated for Option 4. There may be economic benefits of Option 1 to crab fishermen associated with reduced impacts on crab; however, these effects are likely to be minor given that blue king crab bycatch is thought to be low in this area (NMFS data review by crab plan team) and the area to the north does not seem as important to blue king crab as compared with the area to the south and area within State waters.

Option 2 would close an area to non-pelagic trawling around Nunivak Island with the southern border extending along the nearshore portion of Etolin Strait to conserve nearshore habitats, and minimize

potential interactions with community use and subsistence fisheries. This option would provide some positive benefits to communities to minimize potential interactions with commercial fishing gear and provide protections to nearshore habitats for subsistence use and fisheries. Option 2 may have beneficial effects on Steller's Eiders. The area south of Nunivak Island and Etolin Strait has seen increasing effort by vessels targeting yellowfin sole in recent years, but should not be impacted by this option. There are opportunity costs, of course, associated with prohibiting vessels from fishing in other areas. Such impacts were previously discussed in general terms in the evaluation of Alternative 2.

Option 3 would close an area to non-pelagic trawling around Nunivak Island with the southern border extending along the nearshore portion of Etolin Strait and Kuskokwim Bay to conserve nearshore habitat and minimize potential interactions with community use and subsistence fisheries. Option 3 may have beneficial effects on Steller's Eiders. This option would provide some positive benefits to communities to minimize potential interactions with commercial fishing gear and provide protections to nearshore habitats for subsistence use and fisheries. Because the final boundaries of this closure area are the result of negotiations by representatives of the flatfish industry and coastal communities, it is difficult to quantify the economic impacts. Nonetheless, given the relatively limited amount of effort in the Etolin Strait portion of the closure, and virtually no effort in Kuskokwim Bay, the economic impacts would be relatively minor.

Option 4 would establish a Northern Bering Sea Experimental Fishing Area, which would be entirely closed to fishing with non-pelagic trawl gear at least in the short term, until an adaptive management experiment design was developed and approved. The option to provide a closure area in the Northern Bering Sea may be a precautionary measure in terms habitat protection by preventing northward expansion of the bottom trawl fishery, however research and an exempted fishing permit would still provide future access to the area. The option would close roughly 188,157 sq. km of BS shelf (shelf area to 1,000 m depth) or 23.8% of the 791,731 sq. km. of BS benthic habitat currently open to bottom trawling (shelf area to the 1,000 m depth contour). Table 5.7-3 provides the revenue and percent of baseline revenue at risk at risk under this option. Over the three years of data analyzed, 2003-2005, the status quo gross first wholesale revenue for the H&G Trawl CP sector averaged \$201.73 million and ranged from an annual low of \$161.72 million in 2003 to a high of \$247.96 million in 2005. Gross first wholesale revenue at risk from the proposed Northern Bering Sea Research Area closure area under this option averaged \$0.33 million or 0.16% of the three year average status quo gross revenue and ranged from a low of \$0.04 million or 0.01% of status quo gross revenue in 2005 to a high of \$0.69 million or 0.35% of status quo gross revenue in 2004. Flatfish, pollock and Pacific cod represented the largest first wholesale gross revenue at risk over the three year period but no one species exceeded \$0.40 million or 0.86% of status quo first wholesale gross revenue. The first wholesale gross revenue at risk under the proposed action could be mitigated by additional fishing effort in the area remaining open to NPT.

Option 5 would close the area to non-pelagic trawling around St. Lawrence Island to conserve blue king crab habitat and minimize potential interactions with community use and subsistence fisheries. Because there is currently no non-pelagic trawl effort as far north as St. Lawrence, there are no economic impacts to the trawl fleet given the current and historic distribution of target species. Potential future effects of a change in fish distribution were discussed under Option 4, although the impacts of Option 5 would be substantially smaller based on total area closed.

Appendix J

Proposed HAPC Identification Process

Prepared by

North Pacific Fishery Management Council

April 2005

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ACRONYMS AND ABBREVIATIONS

Council	North Pacific Fishery Management Council
EFH	essential fish habitat
EIS	environmental impact statement
EEZ	exclusive economic zone
FMP	Fishery Management Plan
HAPCs	habitat areas of particular concern
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
SSC	Scientific and Statistical Committee

J.1 Introduction and Background

In June 1998, the North Pacific Fishery Management Council (Council) identified several habitat types as habitat areas of particular concern (HAPCs) within essential fish habitat (EFH) amendments 55/55/8/5/5. Habitat types, rather than specific areas, were identified as HAPCs because little information was available regarding specific habitat locations. These HAPC types included the following:

1. Areas with living substrates in shallow waters (e.g., eelgrass, kelp, and mussel beds)
2. Areas with living substrates in deep waters (e.g., sponges, coral, and anemones)
3. Freshwater areas used by anadromous fish (e.g., migration, spawning, and rearing areas)

The history of North Pacific Council HAPC designations is provided in Chapter 2 of the EFH environmental impact statement (EIS). In April 2001, the Council formed the EFH Committee to facilitate industry, conservation community, Council, and general public input into the EFH EIS process. The committee worked cooperatively with Council staff and the National Marine Fisheries Service (NMFS) to identify alternative HAPC criteria, as well as approaches that could be used to designate and manage HAPC areas. The Committee aided in formulating the HAPC designation alternatives referred to in Chapter 2 and developed recommendations for a HAPC process.

In October 2003, the Council chose a preliminary preferred alternative for a HAPC approach: HAPCs will be site-based, and the three HAPC types listed above will be rescinded.

For the initial 2003 HAPC process, the Council recommended that the proposals focus on sites within two specific priority areas:

1. Seamounts in the exclusive economic zone (EEZ), named on National Oceanic and Atmospheric Administration (NOAA) charts, that provide important habitat for managed species
2. Largely undisturbed, high-relief, long-lived hard coral beds, with particular emphasis on those located in the Aleutian Islands, which provide habitat for life stages of rockfish or other important managed species

Nominations were based on best available scientific information and included the following features:

1. Sites must have likely or documented presence of Fishery Management Plan (FMP) rockfish species.
2. Sites must be largely undisturbed and occur outside core fishing areas.

This appendix summarizes the process that will be used to identify HAPC sites in the future, consistent with the HAPC approach chosen through Action 2, Adopt an Approach for Identifying HAPCs, of this EIS. The Council may modify this HAPC process over time, as warranted.

J.2 HAPC Considerations and Priorities

The Council will call for HAPC nominations through a proposal process that will focus on specific sites consistent with HAPC priorities designated by the Council. The Council may designate HAPCs as habitat sites, and management measures, if needed, would be applied to a habitat feature or features in a specific geographic location. The feature(s), identified on a chart, would have to meet the considerations established in the regulations and would be developed to address identified problems for FMP species. They would have to meet clear, specific, adaptive management objectives. Evaluation and development of HAPC management measures, where management measures are appropriate, will be guided by the EFH Final Rule.

J.2.1 HAPC Considerations

HAPCs are those areas of special importance that may require additional protection from adverse effects. Regulations at 50 CFR 600.815(a)(8) provide the following:

FMPs should identify specific types or areas of habitat within EFH as habitat areas of particular concern based on one or more of the following considerations:

- (i) The importance of the ecological function provided by the habitat.
- (ii) The extent to which the habitat is sensitive to human-induced environmental degradation.
- (iii) Whether, and to what extent, development activities are, or will be, stressing the habitat type.
- (iv) The rarity of the habitat type.

The Council will consider HAPCs that meet at least two of the four HAPC considerations above, and rarity will be a mandatory criterion of all HAPC proposals.

J.2.2 HAPC Priorities

The Council will set priorities at the onset of each HAPC proposal cycle.

J.3 Proposal Cycle

HAPC proposals may be solicited every 3 years or on a schedule established by the Council.

J.4 HAPC Process

The HAPC process will be initiated when the Council sets priorities, and a subsequent request for HAPC proposals is issued. Criteria to evaluate the HAPC proposals will be reviewed by the Council and the Scientific and Statistical Committee (SSC) prior to the request for proposals. Any member of the public may submit a HAPC proposal. Potential contributors may include fishery management agencies, other government agencies, scientific and educational institutions, non-governmental organizations, communities, and industry groups. A step-by-step outline is attached as Figure J-1.

J.4.1 Call for proposals

A call for proposals will be announced during a Council meeting, and will be published in the Federal Register, as well as advertised in the Council newsletter. Scientific and technical information on habitat distributions, gear effects, fishery distributions, and economic data should be made easily accessible for the public, simultaneous with issuing a call for proposals. For example NMFS' Alaska Region website has a number of valuable tools for assessing habitat distributions, understanding ecological importance, and assessing impacts. Information on EFH distribution, living substrate distribution, fishing effort, catch and bycatch data, gear effects, known or estimated recovery times of habitat types, prey species, and freshwater areas used by anadromous fish is provided in the EFH EIS. The public will be advised of the rating criteria with the call for proposals.

J.4.1.1 Contents of Proposals

The format for a HAPC proposal should include the following:

- Provide the name of the proposer, address, and affiliation.
- Provide a title for the HAPC proposal and a single, brief paragraph concisely describing the proposed action.
- Identify the habitat and FMP species that the HAPC proposal is intended to protect.
- State the purpose and need.
- Describe whether and how the proposed HAPC addresses the four considerations set out in the final EFH regulations.
- Define the specific objectives for this proposal.
- Propose solutions to achieve these objectives [How might the problem be solved?].
- Establish methods of measuring progress towards those objectives.
- Define expected benefits of the proposed HAPC; provide supporting information/data, if possible.
- Identify the fisheries, sectors, stakeholders, and communities to be affected by establishing the proposed HAPC [Who would benefit from the proposal; who would it harm?] and any information you can provide on socioeconomic costs.
- Provide a clear geographic delineation for the proposed HAPC (written latitude and longitude reference point and delineation on an appropriately scaled NOAA chart).
- Provide the best available information and sources of such information to support the objectives for the proposed HAPC (citations for common information or copies of uncommon information).

J.4.2 Initial Screening

Council staff will screen proposals to determine consistency with Council priorities, HAPC criteria, and general adequacy. Staff will present a preliminary report of the screening results to the Council. The Council will determine which of the proposals will be forwarded for the next review step: scientific, socioeconomic, and enforcement review.

J.4.3 Review Process

J.4.3.1 Scientific Review

The Council will refer selected proposals to the plan teams (Gulf of Alaska groundfish; Bering Sea groundfish; Bering Sea crab, scallop, and salmon). The teams will evaluate the proposals for ecological merit.

There will always be some level of scientific uncertainty in the design of proposed HAPCs and how they meet their stated goals and objectives. Some of this uncertainty may arise because the public will not have access to all relevant scientific information. Recognizing time and staff constraints, however, the staff cannot be expected to fill all the information gaps of proposals. The Council will have to recognize data limitations and uncertainties and weigh precautionary strategies for conserving and enhancing HAPCs while maintaining sustainable fisheries. The review panels may highlight available science and information gaps that may have been overlooked or are not available to the submitter of the HAPC proposal.

J.4.3.2 Socioeconomic Review

Proposals will be reviewed by Council or agency economists for socioeconomic impact. The Magnuson-Stevens Act states that EFH measures are to minimize impacts on EFH “to the extent practicable,” so socioeconomic considerations have to be balanced against expected ecological benefits at the earliest point in the development of measures. NMFS’ Final Rule for developing EFH plans states specifically that FMPs should “identify a range of potential new actions that could be taken to address adverse effects on EFH, include an analysis of the practicability of potential new actions, and adopt any new measures that are necessary and practicable” (50 CFR 600.815(a)(2)(ii)). In contrast to a process where the ecological benefits of EFH or HAPC measures are the singular initial focus and a later step is used to determine practicability, this approach would consider practicability simultaneously.

Proposals should also be rated as to whether they identify affected fishing communities and the potential effects on those communities, employment, and earnings in the fishing and processing sectors and the related infrastructure, to the extent that such information is readily available to the public. Management and enforcement will also provide input during the review to evaluate general management cost and enforceability of individual proposals.

J.4.3.3 Management and Enforcement Review

Proposals will be reviewed for management and enforceability.

J.4.4 Evaluation of Candidate HAPCs

The reviewers may rank the proposals by using a system like the matrix illustrated in Table J.1 and provide their recommendations to the Council. In the NPFMC Environmental Assessment of Habitat Areas of Particular Concern (NPFMC 2000), proposed HAPC types and areas were evaluated by using a ranking system that provided a relative score to the proposed HAPCs; they were weighed against the four considerations established in the EFH Final Rule. One additional column was added to the matrix to score the level of socioeconomic impact: the lower the impact, the higher the score. The Data Level column was split into two columns, Data Level and Data Certainty, to reflect not only the amount of data available, but also the scientific certainty of the information supporting the proposal. A written description should accompany the scoring so that it is clear what data, scientific literature, and professional judgments were used in determining the relative score.

Table J-1. Evaluation Matrix of Proposed HAPC Types and Areas, with Sample Proposals for Illustration Only

Proposed HAPC area	Data Level	Data Certainty	Sensitivity	Exposure	Rarity	Ecological Importance	Socioeconomic impact level
Seamounts and Pinnacles	1	1	Medium	Medium	High	Medium	Low
Ice Edge	3	1	Low	Low	Low	High	Low
Continental Shelf Break	3	2	Medium	Medium	Low	High	Medium
Biologically Consolidated Sediments	1	3	Low	Medium	Low	Unknown	Unknown

J.5 Council Action

J.5.1 Council Assessment of Proposal Reviews

Staff will provide the Council with a summary of the ecological, socioeconomic, and enforcement reviews.

J.5.2 Council Selection of HAPC Proposals for Analysis

The Council will select which proposal or proposals will go forward for analysis for possible HAPC designation. The Council may modify the proposed HAPC sites and management measures.

J.5.2.1 Potential Outcomes

Each proposal received and/or considered by the Council would have one of three possible outcomes:

1. The proposal could be accepted, and, following review, the concept from the proposal could be analyzed in a NEPA document for HAPC designation.
2. The proposal could be used to identify an area or topic requiring more research, which the Council would request from NMFS or another appropriate agency.
3. The proposal could be rejected.

J.5.3 Stakeholder Input

The Council may set up a stakeholder process, as appropriate, to obtain additional input on proposals.

J.5.4 Technical Review

The Council may obtain additional technical reviews as needed from scientific, socioeconomic, and management experts.

J.6 NEPA Analysis

Staff will prepare a National Environmental Policy Act (NEPA) analysis and other analyses necessary under applicable laws and Executive Orders.

J.6.1 Public Comment on NEPA Analysis

The Council will receive a summary of public comments and take final action on HAPC selections and management alternatives.

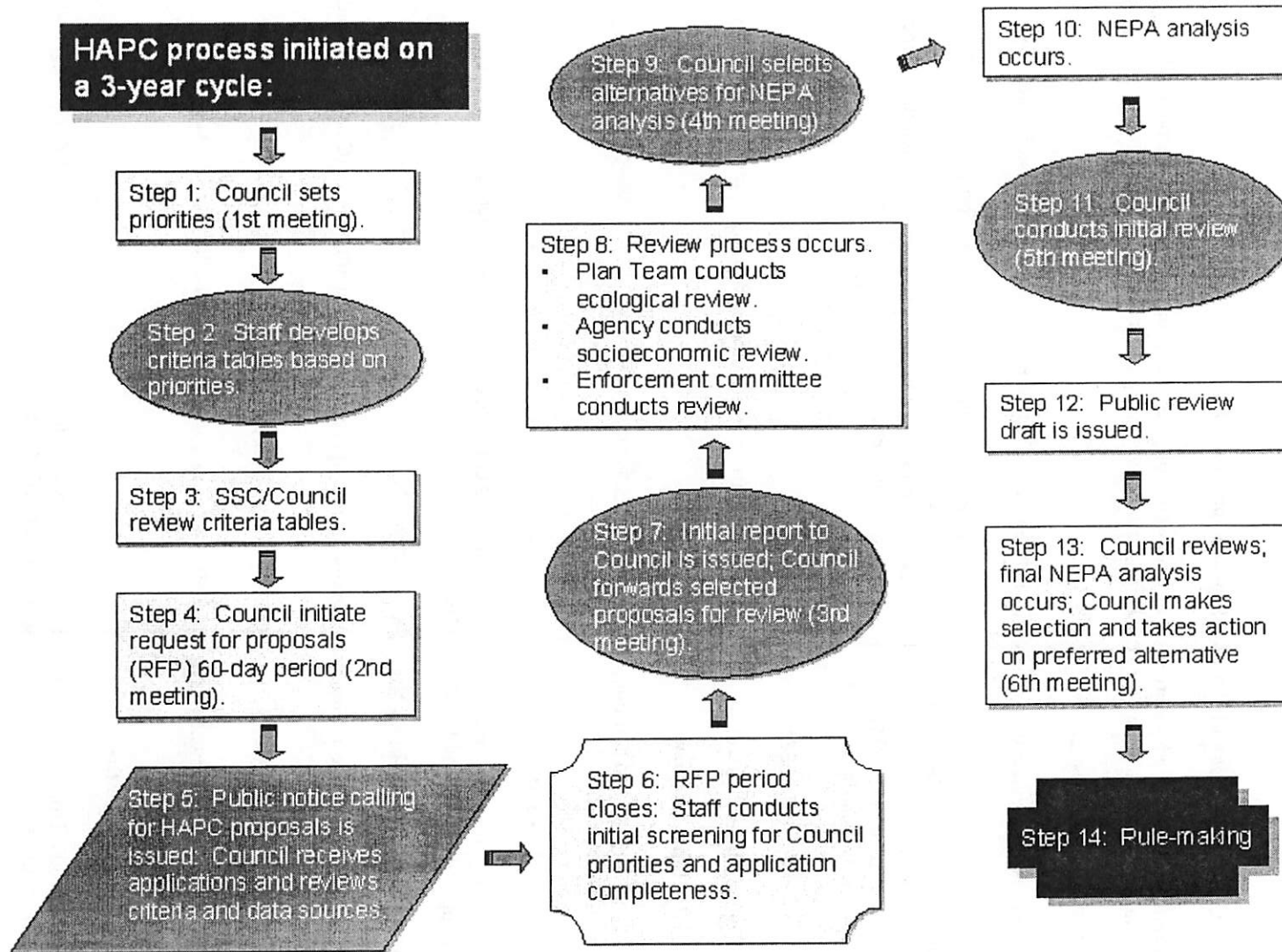
J.7 Periodic Review

The Council may periodically review the efficacy of existing HAPCs and allow for input on new scientific research.

LITERATURE CITED

NPFMC. 2000. Draft Environmental Assessment/Regulatory Impact Review. Habitat Areas of Particular Concern. North Pacific Fishery Management Council. Anchorage, AK.

Figure J-1. HAPC Process Sequential Steps



ADVISORY PANEL MINUTES
North Pacific Fishery Management Council
March 26 – 31, 2007

The following members were present for all or part of the meeting:

Lisa Butzner	Bob Gunderson	Mike Martin
Joe Childers	John Henderschedt	Matt Moir
Craig Cross	Jan Jacobs	John Moller
Julianne Curry	Bob Jacobson	Ed Poulsen
Tom Enlow	Simon Kinneen	Michelle Ridgway
Duncan Fields	Tina McNamee	Lori Swanson

D-1 Scallop Management

The AP recommends that the weathervane scallop SAFE report be approved. The AP commends the Plan Team and stock assessment authors for improvements in the quality of the SAFE, appreciates the State of Alaska fishery managers for developing video survey technology to improve stock assessments, and commends the scallop fleet for allowing their data to be shared with the public.

The AP recommends continued efforts to improve the quality of the economic portion of the SAFE and for further in depth analysis of data that is collected in this fishery. Finally, the AP requests the Council write a letter to the University of Alaska and ADF&G encouraging them to continue to support research and analysis of scallop stocks, product quality issues, and the ecosystem associated with scallop stocks.

Motion passed 18/0.

D-2 (a) Other Species management

The AP recommends the issue of management of other species be given to the Council's non-target species committee for further recommendation on Council action. This committee was instituted to address non-target species and innovative measures to manage them.

Motion passed 18/0.

C-2 GOA Sector Split for Pacific Cod Components and Options

Component 1 – Area

Pacific cod sector split in CGOA & WGOA

Component 2 – Identify and define sectors

Trawl CP

Trawl CV

H&L CP

H&L CV

Pot CP

Pot CV

Jig

Inshore Trawl CP

Inshore H&L CP

Optional vessel length subdivision for sectors:

- a) Pot CV sector: <60 ft and >=60 ft
- b) All CP sectors: <125 ft and >=125 ft

Inshore CP sector provisions

- A) Elect annually to either be considered “inshore” or “offshore”.
- B) One time election to be considered either “inshore or “offshore”.

Multiple Endorsement Provisions

- A) CV’s operating with a qualifying catch history in both the “trawl” and the “non trawl” sectors shall elect annually sector participation.
- B) CV’s operating with a qualifying catch history in both the “trawl” and “non trawl” sectors shall have a one time election of sector participation
- C) CV’s operating with a qualifying catch history in both the “trawl” and “non trawl” sectors shall be able to elect to participate in both sectors in a single season.

Component 3 – Qualifying catch

Option 1) For purposes of determining catch history, “catch” means retained legal catch. A sector’s catch history includes all retained legal catch from both the Federal fishery and parallel fishery in the CGOA and WGOA. This includes retained legal catch from both LLP and non-LLP vessels.

Option 2) For purposes of determining catch history, “catch” means retained legal catch excluding fish meal. A sector’s catch history includes all retained legal catch excluding fish meal from both the Federal fishery and parallel fishery in the CGOA and WGOA. This includes retained legal catch excluding fish meal from both LLP and non-LLP vessels.

Option 3) For purposes of determining catch history, “catch” means Pcod catch retained when the Pcod fishery is open for directed catch. A sector’s catch history includes all Pcod catch retained when the Pcod fishery is open for directed catch from both the Federal fishery and parallel fishery in the CGOA and WGOA but excluded fish meal. This includes retained legal catch when the Pcod fishery is open for directed catch from both LLP and non LLP vessels.

The analysis will also provide each sector’s catch history based on total catch (retained and discarded) where practicable.

Component 4 – Sector catch histories

The AP recommends the Council adopt the following option for determining catch histories:

Each sector is allowed to choose their best 5 or 7 years (as a percentage of TAC or directed catch) from the years 1995-2005 to obtain an average % of TAC or directed catch for that sector. The sector split would then be based on the relative comparison of these averages.

- Example
1. Trawl fleet has a 7 year average % of TAC or directed catch of 65%
 2. Pot fleet has a 7 year average % of TAC or directed catch of 50%
 3. Longline fleet has a 7 year average % of TAC or directed catch of 25%
 4. Jig fleet has a 7 year average % of TAC or directed catch of 15%

Total % of TAC or directed catch is 155%

- i. Trawl sector split is 65/155 of annual TAC or directed catch
- ii. Pot sector split is 50/155 of annual TAC or directed catch
- iii. Longline sector split is 25/155 of annual TAC or directed catch
- iv. Jig sector split is 15/155 of annual TAC or directed catch

Western GOA suboption

Each sector is allowed to choose their best 3 or 5 years as a percentage of TAC or directed catch from the years 2000 through 2006 to obtain an average % of TAC or directed catch for that sector. The sector split would then be based on the relative comparison of these averages.

~~**Decrease the trawl allocation by the allocation to the CGOA rockfish pilot program (during the tenure of that program).~~

** The CGOA trawl sector allocation will be decreased by the amount of p. cod that is allocated to the trawl rockfish pilot program during the tenure of the program.

Component 5 – Allocation to Sectors: Allocations to sectors are to be based on catch history (Component 4) except for the jig sector.

The set aside for the jig sector shall be 1%, 3% or 5% of the GOA TAC.

- a. Shall be taken from the A season allocation
- b. shall be taken from the B season allocation
- c. shall be taken from a and b seasonal allocations

The jig allocation shall be available for harvest by other sectors on August 1, Sept. 1, October 1.

Component 6—Allowing harvest of an allocation by other sectors

Trawl sector – when the trawl sectors reach their final allocation of halibut PSC for the year

1. CV trawl sector allocation available to other CV sectors
2. a. CP trawl sector allocation available to other CP sectors
b. CP trawl sector allocation available to both CP and CV sectors (CV sector catch accounts to other CV sector allocations first before accounting to the CP sectors allocation)

Longline sector – when the longline sectors reach their final allocation of halibut PSC for the year

1. CV longline sector allocation available to other CV sectors
2. a. CP longline sector allocation available to other CP sectors

b. CP longline sector allocation available to both CP and CV sectors (CV sector catch accounts to other CV sector allocations first before accounting to the CP sectors allocation)

Year end harvests by other sectors

Quota not caught by the CV sector by November 1, 15th or December 1st shall become available to:

1. all CV sectors
2. all sectors

Quota not caught by the CP sector by November 1, 15 or December 1st shall become available to:

1. all CP sectors
2. all sectors

Component 7 Program Review

Sector split allocations may be reviewed on the basis of:

- a. New or improved bycatch information
- b. ability to catch quota allocation
- c. fisheries management policy issues

GOA Sideboards

AP requests that the Council direct NMFS sustainable fisheries to provide the following:

- (1) A list of sideboard limits by fishery and area for the different rationalization programs and describe which sideboard limits have been historically closed preseason to directed fishing and which sideboard limits have been open to directed fishing.
- (2) Describe potential conflicts between the CGOA rockfish pilot program and amendment 80. Do sideboard limits overlap for specific fisheries and if so could some sideboard limits be combined, removed or otherwise modified to maintain the intent of the limits.

The AP request that the Council consider the following possible changes to the present suite of sideboard policies and provisions:

AFA sideboards:

Option 1: Maintain the GOA AFA exempted fleet sideboard policy that requires vessels to fish their BSAI Pollock allocation to maintain their exempted status.

Option 2: For GOA AFA exempted fleet allow leasing of BSAI Pollock allocations only during the B season BSAI Pollock fishery (June 10 to November 1).

CGOA rockfish pilot program sideboards:

For the CP CGOA rockfish vessels that participate in the CGOA pilot program and also form cooperatives in the BSAI fisheries under amendment 80, will be exempted from the July 1 to July 14 stand down period before entering the BSAI fisheries.

Crab rationalization sideboards:

On November 1st of each year if the B season Pacific cod quota in the WGOA or CGOA will not be reached by the participating vessels by December 31st then Non-AFA side-boarded crab vessels would be exempt from the B season sideboard provisions for that sub-area and can fully participate.

Crab rationalization sideboards changes to exempted vessel status for Pacific cod:

Option 1: No changes to the exempted status requirements

Option 2: Exempt Non-AFA crab vessels from GOA Pacific cod sideboards if the vessel's Bering Sea Opilio allocation is less than 0.22% and the vessel landed more than 500 MT of GOA Pacific cod from 1996 to 2000.

Sub-option a: To receive exempted status vessel/LLP would forfeit their BS Opilio crab shares

Sub-option b: To receive exempted status vessel/LLP would forfeit their BS Opilio crab shares that are in excess of the 100,000 pound landing threshold during the qualifying years 1996 to 2000.

Crab rationalization sideboards create an exempted vessel status for Pollock;

Option 1: No exempted status

Option 2: Exempt Non-AFA crab vessels from GOA Pollock sideboards if the vessel's Bering Sea Opilio allocation is less than 0.22% and the vessel had 1) 5 Pollock deliveries 2) 10 Pollock deliveries or 3) 20 Pollock deliveries from 1996 to 2000.

Motion passed 16/0

The AP recommends the Council advance for analysis in an EA, the alternatives contained in the discussion paper regarding a 300,000lb trip limit for WGOA pollock. Motion passed 17/0.

The AP also recommends the Council request staff expand the 'Gulf fixed gear LLP' discussion paper to include additional tables and information to enable the public to provide testimony at the June council meeting in anticipation of Council clarifying issues and options in a subsequent staff analysis. Motion passed 16/0.

The AP reviewed the draft problem statements for cod sector splits and LLP recency and received public comment on those drafts. The AP commends the staff on the development of these problem statements. *Motion passed 15/0.*

*Helen -
both sections*

**ADVISORY PANEL MINUTES
North Pacific Fishery Management Council
March 26 – 31, 2007**

The following members were present for all or part of the meeting:

Lisa Butzner
Joe Childers
Craig Cross
Julianne Curry
Tom Enlow
Duncan Fields

Bob Gunderson
John Henderschedt
Jan Jacobs
Bob Jacobson
Simon Kinneen
Tina McNamee

Mike Martin
Matt Moir
John Moller
Ed Poulsen
Michelle Ridgway
Lori Swanson

The AP unanimously approved the minutes of the previous meeting.

C-2 GOA Sector Split for Pacific Cod Components and Options

Component 1 – Area

Pacific cod sector split in CGOA & WGOA

Component 2 – Identify and define sectors

Trawl CP
Trawl CV
H&L CP
H&L CV
Pot CP
Pot CV
Jig
Inshore Trawl CP
Inshore H&L CP

Optional vessel length subdivision for sectors:

- a) Pot CV sector: <60 ft and >=60 ft
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Inshore CP sector provisions

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add *
Option 3) For purposes of determining catch history, "catch" means Pcod catch retained when the Pcod fishery is open for directed catch. A sector's catch history includes all Pcod catch retained when the Pcod fishery is open for directed catch from both the Federal fishery and parallel fishery in the CGOA and WGOA but excludes fish meal. This includes retained legal catch when the Pcod fishery is open for directed catch from both LLP and non LLP vessels.

The analysis will also provide each sector's catch history based on total catch (retained and discarded) where practicable.

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b. CP longline sector allocation available to both CP and CV sectors (CV sector catch accounts to other CV sector allocations first before accounting to the CP sectors allocation)


3.  Year end harvests by other sectors *New Section?*

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1. all CV sectors
2. all sectors

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2. all sectors

 Component 7

Program Review

Sector split allocations may be reviewed on the basis of:

- a. New or improved bycatch information
- b. ability to catch quota allocation
- c. fisheries management policy issues

Vote: 17/0

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AP requests that the Council direct NMFS sustainable fisheries to provide the following:

- (1) A list of sideboard limits by fishery and area for the different rationalization programs and describe which sideboard limits have been historically closed preseason to directed fishing and which sideboard limits have been open to directed fishing.
- (2) Describe potential conflicts between the CGOA rockfish pilot program and amendment 80. Do sideboard limits overlap for specific fisheries and if so could some sideboard limits be combined, removed or otherwise modified to maintain the intent of the limits.

The AP request that the Council consider the following possible changes to the present suite of sideboard policies and provisions:

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Option 2: Exempt Non-AFA crab vessels from GOA Pollock sideboards if the vessel's Bering Sea Opilio allocation is less than 0.22% and the vessel had 1) 5 Pollock deliveries 2) 10 Pollock deliveries or 3) 20 Pollock deliveries from 1996 to 2000.

Motion passed 16/0

(d) The AP recommends the Council advance for analysis in an EA, the alternatives contained in the discussion paper regarding a 300,000lb trip limit for WGOA pollock. Motion passed 17/0.

(c) The AP also recommends the Council request staff expand the 'Gulf fixed gear LLP' discussion paper to include additional tables and information to enable the public to provide testimony at the June council meeting in anticipation of Council clarifying issues and options in a subsequent staff analysis. Motion passed 16/0.

The AP reviewed the draft problem statements for cod sector splits and LLP recency and received public comment on those drafts. The AP commends the staff on the development of these problem statements. *Motion passed 15/0.*

C-3 Trawl LLP Recency

The AP recommends the Council delete Alternatives 3 and 5 and make Alternatives 2 and 4 applicable only to trawl LLP endorsements.

Further, the AP recommends the addition of a suboption under component 3, Option 1 to exclude AFA vessels from LLP qualification requirements for the BS and AI only.

Motion passed 16/0/1

Additionally, the AP recommends that January 2006 be added to the appropriate components and alternatives based on comments from the owner of the F/V Ocean Hunter. *Motion passed 14/2/1.*

C-4 BSAI Crab Management

C-4 (a) Crab Rationalization 18 month review

The AP requests Council direct staff to draft a discussion paper analyzing how B shares are being used and whether their uses are consistent with the original intent.

The AP also requests the Council initiate staff analysis to allow C shares to remain open-access shares, without regional designation and A and B share splits. Analysis needs to be initiated now, or the C shares will defacto become designated to the regions and the 90/10 A/B split will occur automatically at the three year anniversary of the program's implementation. Also, include options in the analysis for extension of the three year sunset date on leasing of C shares and present it at the June meeting.

Additionally, the AP recommends the Council move ahead with analysis for change of the non-controversial aspects of the program identified in the NPFMC February Newsletter, page 3, for presentation at the October meeting. These issues are primarily regulatory in nature and they should take minimal staff time.

~~Motion passed 9/7~~

Additionally, the AP request the Council take action to provide legal immunity for the arbitration organizations and arbitrators. *Motion passed 16/1*

The AP recommends the Council appoint a BSAI crab advisory committee to address the regulatory issues identified in the 18 month review. *Motion passed 17/0*

Minority Report: The language in the second paragraph was an amendment to the original motion that carried with a 9/7 vote.

This minority report disagree with the motion that passed for the following reasons:

- *There is very little information available to analyze as we are not yet through 2 years of rationalized fishery data. Delaying action until October will not provide any new fishery interaction.*
- *The crab rationalization program is extremely complicated and finely balanced. However, the program also provides flexibility for the different sectors to work out issues privately. We believe that at this time it is more appropriate to provide the incentive to the industry to work out issues privately.*
- *It is unfortunate that the Nickerson report was not ready for this meeting. However, it does not seem to be appropriate to delay action until the report is ready since the report may never be released and is also being funded by one sector of the industry.*
- *Finally, analysis on post-delivery transfers is directly being worked on which will provide the necessary tools to use B shares in the manner in which they were intended.*

Signed: Ed Poulsen, Tom Enlow, John Henderschedt, Craig Cross, Joe Childers.

C-4 (b) Crab Data Collection

The AP recommends the processes contained in the confidentiality and data quality protocols for BSAI Crab Economic Data paper be followed. *Motion passed 14/0*

C-5 Observer program

The AP recommends the Council:

1. Follow through on plans for an OAC meeting on May 21 and 22;
2. Encourage NMFS to reiterate its request to the Department of Labor for clarification regarding fair labor standards as they apply to groundfish observers;
3. Encourage NMFS to continue its efforts to develop a "contract debriefer" program to increase its debriefing capacity during peak periods.

Motion passes 13/0

C-7 Socioeconomic Data

The AP recommends the workgroup continue with the work requested by the Council including development of surveys for the different sectors, a draft problem statement, additional discussion regarding confidentiality under FOIA and authority for collection, and finally cost to agency and industry. In addition, the AP recommends the workgroup be expanded to include all members of the industry that participate in the federal fisheries, including the charter halibut fisheries. *Motion passed 14/0.*

D-1 Scallop Management

The AP recommends that the weathervane scallop SAFE report be approved. The AP commends the Plan Team and stock assessment authors for improvements in the quality of the SAFE, appreciates the State of Alaska fishery managers for developing video survey technology to improve stock assessments, and commends the scallop fleet for allowing their data to be shared with the public.

The AP recommends continued efforts to improve the quality of the economic portion of the SAFE and for further in depth analysis of data that is collected in this fishery. Finally, the AP requests the Council write a letter to the University of Alaska and ADF&G encouraging them to continue to support research and analysis of scallop stocks, product quality issues, and the ecosystem associated with scallop stocks.

Motion passed 18/0.

D-2 (a) Other Species management

The AP recommends the issue of management of other species be given to the Council's non-target species committee for further recommendation on Council action. This committee was instituted to address non-target species and innovative measures to manage them.

Motion passed 18/0.

D-2 (b) Dark Rockfish

For the GOA:

The AP recommends that the Council adopt Alternative 2 as the preferred alternative. This will remove dark rockfish from the GOA FMP (PSR complex) and turn it over to State management. *Motion passed 15/0/2.*

For the BSAI:

Additionally, the AP recommends the Council adopt Alternative 2. This will remove dark rockfish from the BSAI FMP and turn it over to the State for management. *Motion passed 16/0/1.*

D-3 (c) EFH AI Open Area Adjustment

The AP recommends the Council adopt Alternative 2: Modify the latitude and longitude definitions for open areas for the AIHCA. *Motion passes 13/0. in the text of prob statement.*

D-3 (a) Bering Sea Habitat Conservation Measures

The AP recommends the Council modify options 2, 3 and 4 to reflect the boundary around Nunivak Island, the south end of Etolin Strait, and Kuskokwim Bay agreed to through negotiations between the flatfish industry and the AVCP. A map describing this line is attached to this report. *Motion passed 12/0.*

The AP encourages the Council to provide staff resources between industry and tribal leaders to share scientific knowledge in the area around Nunivak Island. Additionally, the AP recommends staff make the recommended change of changing the text "fish species" to "council managed species." *Motion passed 12/0*

D-6 Staff Tasking

The AP recommends the Council develop a discussion paper that reviews the creation of subareas in area 3A for Charter halibut GHM management. *Motion passed 12/0.*

The AP recognizes that the charter industry is facing acute crisis that affect business and the coastal communities that depend on them. For this reason, the AP recommends that the Council encourage staff to focus on this issue by establishing the halibut charter moratorium package as a very high priority for implementation by 2008 if possible. *Motion passed 12/0.*

C-1 Charter Halibut Management

C-1 (e) Halibut Allocations

The AP recommends the Council initiate and fast track a distinct amendment package that is limited to the issues of the allocation of halibut and the compensated transfer of commercial halibut quota share/IFQ between the commercial halibut and the halibut charter sector. The AP further recommends the Council consider the following elements and options for staff analysis:

Element 1 Establish an allocation to the halibut charter sector that includes sector accountability

Formula	Area 2C	Area 3A
a. 125% of average harvest of 2000-2004, translated to %	16%	15%
b. equal to the 1995-99 GHM, translated to %	13%	14%
c. percentage of combined 2004 commercial/charter catch	14%	13%
d. convert current GHM into percentage based on 2004	12%	13%
e. equal to 2005 charter harvest, translated to %	15%	13%

suboption: Sub-area allocations may be considered

suboption: Allow overages/underages to be transferred between commercial and charter sectors

Element 2 Amend existing halibut IFQ regulations to allow transfer of commercial QS/IFQ for use in the guided sport halibut fishery to: (council may select one or a combination of all options)

- Option 1.
 - a. State of Alaska
 - b. Persons holding a guided sport business license (GSBL) from the state
 - c. Persons holding a guided sport halibut moratorium license (upon implementation)
 - d. Federal government
- Option 2. Regional private non-profit (PNP) charter associations

Element 3 Funding/management plans for compensated re-allocation (elements of various options may be mixed)

- Option 1. Modify NMFS IFQ loan program to allow qualifying entities and/or individuals qualifying under element 2, to qualify for federal loans to lease or purchase commercial quota
- Option 2. KACO plan
- Option 3. Crossover plan
- Option 4. Rasmuson plan

The AP appreciates that the analysis would be limited to the Federal regulatory changes necessary to enable sector transferability and that any legislative changes, state, or federal, would be identified but are beyond the scope of the analysis.

Motion passed 16/2

C-1 (c) State Management

The AP supports the amendment of the Halibut Act that would allow the delegation of authority for management of the halibut charter fishery to the State of Alaska. This recommendation is not intended to speak in support of or against actual delegation of authority to the State. *Motion passed 16/0.*

C-1 (f) Halibut Charter Moratorium

The AP recommends the following changes to the February 2007 Council preliminary preferred alternative (additions are underlined, deletions are struck out)

Alternative 2. Implement a moratorium on entry into the charter halibut fisheries in Areas 2C and 3A using a control date of December 9, 2005.

Features of the proposed moratorium (limited entry) program:¹

Issue 1. Permits² may be held by U.S. citizens or U.S. businesses with 75 percent U.S. ownership of the business. Businesses³ may receive multiple permits due to charter halibut activity by vessels reported by the businesses in ADF&G logbooks. Initial permit recipients may be "grandfathered" below the U.S. ownership level and above proposed use caps until any change in ownership of the business occurs.⁴

Issue 2. Permit would be designated for Area 2C or Area 3A. If a business owner qualifies for a permit in both areas based on the history from a single vessel, he would be issued a separate permit for both areas. Only one permit could be used on any given trip.

Issue 3. Permit would be issued to an ADF&G licensed fishing guide business owner.

Issue 4. Permit applicant would be required to sign an affidavit attesting that all legal requirements were met.⁵

Issue 5. Transfers of permits (permanent) for vessels that qualified at trip levels of 15 and above in area 2C and 10 and above in area 3A would be allowed up to use caps. Permits issued below trip levels of 15 would be non-transferable.

Issue 6. Leasing of permits would not be allowed.⁶

Issue 7. Permit Endorsement for Number of Halibut Clients on Board

Highest number on any trip in 2004 or 2005, ~~but:~~

Area 3A: Minimum endorsement is 4, ~~maximum endorsement is 20~~

Area 2C: Minimum endorsement is 4, ~~maximum endorsement is 8~~

~~Suboption 2: Permit holders can be issued a permit endorsement for the number of clients on board equal to the highest number on any trip in 2004 or 2005. Permits above the cap are grandfathered at that level until a~~

¹ Military (Morale, Welfare, and Recreational) boats are not required to meet the qualification requirements of the program, but harvests still count against the GHL.

² Through initial issuance and transfers.

³ A business means a business licensed by the State of Alaska as a sport fish guide operator.

⁴ Transferred permits would not be grandfathered below the US ownership cap, even upon sale of a business, but would be grandfathered above the use cap upon sale of the entire business (see Issue 11).

⁵ The only tangible evidence is the ADF&G logbook, which requires meeting all State legal requirements.

⁶ Halibut charter permit holders may only use their permit onboard a vessel that is identified on an ADF&G saltwater logbook assigned to the person holding the permit. If the permit holder wishes to use the permit on a different vessel, they must obtain an ADF&G logbook for the new vessel before the permit may be used on that vessel. The permit number must be recorded on the logbook for each trip.

~~permanent transfer⁷ of the permit occurs; the permit is then subject to the cap on client endorsements in Suboption 1.~~

Issue 8. Permits may be stacked up to use caps.⁸

Issue 9. Evidence of participation is ADF&G saltwater logbook entry with bottomfish statistical area, rods, or boat hours.

Issue 10. Qualification period

Option 10.1. Each licensed guide business owner(s) who reported a minimum of 5 ~~[10 or 15]~~ bottomfish logbook trips during 2004 or 2005 and year prior to implementation⁹ would be issued a permit(s) based on the number of trips summed for all vessels in his best year of the qualification period, unless an unavoidable circumstance¹⁰ occurred. A business would be limited to the number of permits equal to the highest number of vessels used in any one year during the qualifying period.

Example: a business owner operated 3 vessels with 6, 10, and 8 trips, respectively (summed trips = 24) in his best year. He would be issued 1 permit under a 20 trip minimum (24/20 = 1); 2 permits under a 10 trip minimum (24/10 = 2); or 3 permits under a 5 trip minimum (24/5 = 4, but the maximum number of vessels in that year is 3).

Issue 11. Use caps, with grandfather¹¹ provision. The AFA 10% ownership rule for affiliation¹² will be applied to determine the number of permits associated with an entity under the use cap.

~~Option 2. 5 permits~~

Option: 3 permits

Issue 12. Community provisions for Area 2C and 3A communities previously identified under GOA FMP Amendment 66

A Community Quota Entity (CQE), representing a community in which 10 or fewer active¹³ charter businesses terminated trips in the community in each of the years 2004 and 2005 may request limited entry permits.

Area 2C – use cap of 4 ~~or 5~~ requested permits per eligible community.

Area 3A – use cap of 4, 5, 7, ~~or 10~~ requested permits per eligible community.

Overall use caps for all CQEs in a management area are 2 times those selected for the qualifying CQE requested permit use cap for each area. Different use caps may be selected for CQEs representing communities in Area 2C and 3A.

Provisions for CQE requested permits:

- Designated for the area in which the community represented by the CQE is located
- Endorsed for 6 clients

⁷ A permanent transfer is defined as either a transfer of the permit through NMFS RAM Division to an unrelated entity or when persons are added to an existing entity. Removing a person from a corporation or partnership would not be considered a permanent transfer.

⁸ A business can use, for example, two licenses (each endorsed for 6 clients) on one vessel.

⁹ “Year prior to implementation” could also mean two years prior to implementation, depending on the starting date of the application period for permits; e.g., the threshold would also need to be met in either 2007 or 2008, for implementation in 2009. Actual halibut statistical area, rods, or boat hours are required for year prior to implementation.

¹⁰ Acceptable circumstances will be adjudicated on a case by case basis through the NMFS Appeals Division, but includes medical emergencies, military exemptions, constructive losses. An individual who was assigned to active military duty during 2004 or 2005 and who qualifies as “active” during the year prior to implementation⁷ and who demonstrated an intent to participate in the charter fishery in Area 2C or 3A.(prior to the qualifying period) shall be eligible for a moratorium permit.

¹¹ A business whose permit is endorsed in excess of the use cap maintains that exemption for those permits that remain in its control after other permits are sold, but those sold permits lose that grandfather status in perpetuity. Grandfathered permits that are sold in total when a business owner sells his entire business/fleet maintain that grandfathered status. Grandfathered status refers to permits, not to vessels.

¹² Any entity in which 10 percent or more of the interest is owned or controlled by another individual or entity shall be considered to be the same entity as the other individual or entity.

¹³ “Active” is defined as it is under Issue 10.

- Not allowed to be sold (i.e., transferred)
- Under reporting requirements, the CQE must identify the recipient of the permit prior to issuance.
- The requested CQE permit must be used in the community represented by the CQE (the trip must originate or terminate in the CQE community).

Motion passed 17/0

The AP recommends the Council should instruct the agency to issue interim permits to someone appealing their permit status. *Motion passed 14/3*

C-1 (g) Area 2C GHL

The AP recommends the Council send out the analysis for final review with the following revisions:

- Option 1. No more than one trip per vessel per day
Suboption: Trip defined as beginning a new fishing trip with a different group of halibut anglers
- Option 2. No harvest by skipper and crew
- Option 3. Annual limits of 4, 5, 6, or 8 fish per angler
- Option 4. Reduced bag limits of one fish per day in May, June, July, August or for the entire season
- Option 5. A one fish bag limit with the option to harvest a second fish larger than 40, 45, 50, 55, 60 inches
- Option 6. Closing the season after August 15, September 1, or September 15.
- Option 7. Closing one or more days during the week to halibut fishing.
- Option 8. A minimum size limit of 32 inches
- Option 9. One fish any size with an option for a second fish at under 32" with demand reduction analysis
- Option 11. Limit the number of lines to the number of halibut angling clients onboard.

Additionally, the AP recommends Council further analyze the following management options in combination with demand reduction impacts.

- Suboption 1. 1, 2, 11 and 9
- Suboption 2. 1, 2, 11, 5 and 9
- Suboption 3. 1, 2, 11 and 5
- Suboption 4. 1, 2, 11, 3 and 9

Motion passed 16/0

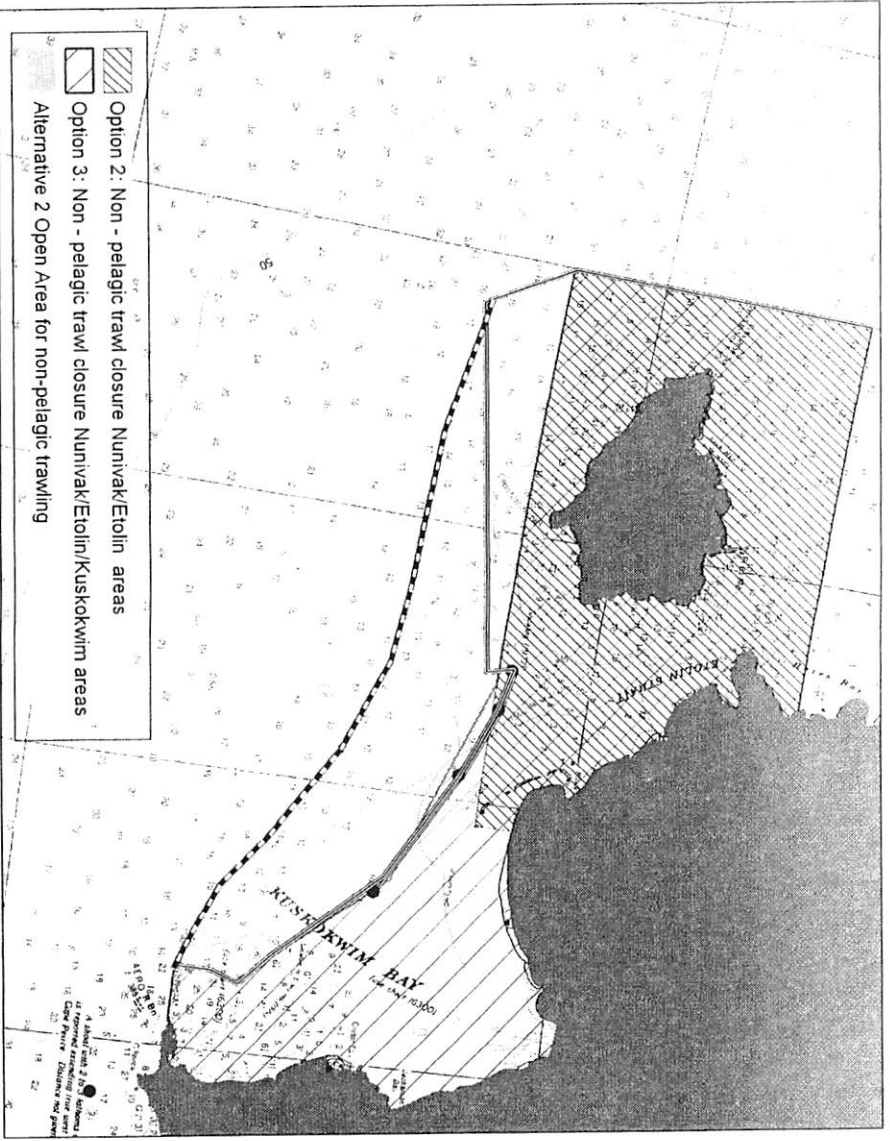
Include in the analysis a discussion of the possibility that the GHL stepdown provisions may be triggered in 2008 as a result of declining CEY in area 2C and better inform the public that the Council may select management measures to achieve a harvest of either the current GHL of 1.432 m lbs or the stepdown of 1.2172 m lbs. *Motion passed 16/0.*

Area 3A GHL

Additionally, the AP recommends the Council initiate analysis of the following options for management measures to constrain charter halibut harvests to the GHL in Area 3A.

- 1. One trip per vessel per day
Suboption: Trip defined as beginning a new fishing trip with a different group of halibut anglers
- 2. No retention by skipper and crew
- 3. Limit lines fished to the number of halibut clients on board
- 4. 2 Fish bag limit with 1 fish any size, 1 fish under 32", 34" or 36"
- 5. 2 fish bag limit with 1 fish any size, 1 fish over 45", 50"
- 6. 2 fish bag limit with 1 fish any size, 1 fish under 32" or 1 fish over 45", 50"
- 7. Annual limit of 5, 6, 8 or 10 fish per angler
- 8. One fish bag limit per angler per day in May, June, July, August, September, or for the entire season

Motion passes 16/0





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Alaska Fisheries Science Center
Fisheries Monitoring and Analysis Division
7800 Sand Point Way Northeast
Seattle, Washington 98115-0070
March 20, 2007

To: North Pacific Groundfish Observer Providers

From: Bill Karp – Director, Fisheries Management and Analysis Division

A handwritten signature in black ink that reads "William Karp".

Subject: Organizational Changes

I would like to let you know about some planned changes in the organizational structure of the Fisheries Monitoring and Analysis (FMA) Division.

As you are aware, we have suffered significant staff attrition in recent years. We have been able to backfill some critical vacancies but we do not expect to receive sufficient appropriated funds to fully staff the North Pacific Groundfish Observer Program in the foreseeable future. Furthermore, new positions (and associated funds) requested to support new management programs such as the GOA Rockfish Pilot Project and the new groundfish retention requirements have not been provided. Therefore, we have decided to eliminate the Observer Cadre as a separately-managed activity within the Division. To the extent that resources are available, some of the functions previously carried out by the Cadre will be carried out within a reorganized debriefing group. We will maintain a small (2-4 person) office in Anchorage which will be staffed by members of the debriefing group. We will be hiring a new manager to supervise all debriefing staff and coordinate all debriefing activities and we also plan to hire at least two debriefers in Seattle and one in Anchorage to fill some of our current vacancies.

Once we have hired the new manager, the FMA management team will consist of: Bill Karp (Division Director), Martin Loefflad (Deputy Director), Jennifer Ferdinand (Manager of training and associated support services), Doug Turnbull (IT manager), and the new Manager of debriefing services.

I realize that our inability to fully-staff the FMA Division directly impacts the operations of our certified observer service providers and we will continue to do our best to minimize any impacts. Through this planned reorganization we expect to improve the efficiency and effectiveness of debriefing and other observer support services. As I mentioned in an earlier memo, we are also working to establish a contractual arrangement which will allow us to contract with suitably-qualified individuals during peak periods.



Please feel free to contact me directly if you have questions or concerns regarding these organizational changes.

cc:
Sue Salveson
Doug DeMaster
Jim Coe
Chris Oliver
Joe Kyle

March 28, 2007

Ms. Stephanie Madsen, Chair
North Pacific Fishery Management Council
605 W. Fourth Avenue, Suite 306
Anchorage, AK 99501-2252

Mr. Doug Mecum, Regional Administrator
NOAA Fisheries, Alaska Region
709 West Ninth Street
Juneau, AK 99802-1668

RE: Agenda Item D-3, Bering Sea Habitat Conservation

Dear Madame Chair and Mr. Mecum:

The Eskimo Walrus Commission (EWC) at Kawerak, Inc. in Nome was formed in 1978. EWC is a recognized statewide entity working on resource co-management issues, specifically the Pacific walrus, on behalf of 19 Alaskan Yup'ik, St. Lawrence Island Yupik, and Inupiaq communities who rely on it as an essential cultural, natural, and subsistence resource. EWC works cooperatively with the U.S. Fish and Wildlife Service (FWS) to encourage subsistence hunters' participation in conserving and managing walrus in the coastal communities.

EWC is providing this letter to express concerns regarding potential detrimental long-term impacts of bottom trawling in waters critical to Pacific walrus and coastal subsistence communities. We therefore provide the following comments with respect to the draft EA for Bering Sea Habitat Conservation:

- (a) EWC only supports Alternative 2 as a minimum measure for precautionary management of Bering Sea habitat. The other proposed alternatives may result in significant impacts to walrus and subsistence hunting communities. We encourage the North Pacific Fishery Management Council to constrain high impact fishing techniques such as bottom trawling on the Bering and Chukchi Sea shelf areas until more is known about the impacts to critical ecological and subsistence resources. We further encourage the Council to close important walrus habitat and subsistence hunting areas to bottom trawling that are currently within the trawl footprint and we look forward to helping you identify those areas.
- (b) EWC endorses the comments of our co-management partner the U.S. Fish and Wildlife Service, with respect to their concerns about disturbance and impacts to the Pacific walrus population.
- (c) EWC believes that there has been inadequate official consultation with organizations such as ours in the production of this EA.

Although EWC's position is to not support bottom trawling on the Bering and Chukchi Sea shelf areas, we are also concerned with the preparation and content of the draft EA. We feel that the preparation did not involve significant consultation with communities that stand to be impacted from activities related to this EA, and the content of the EA is neither sufficient, nor precautionary in its approach when considering bottom trawling activities. These activities could

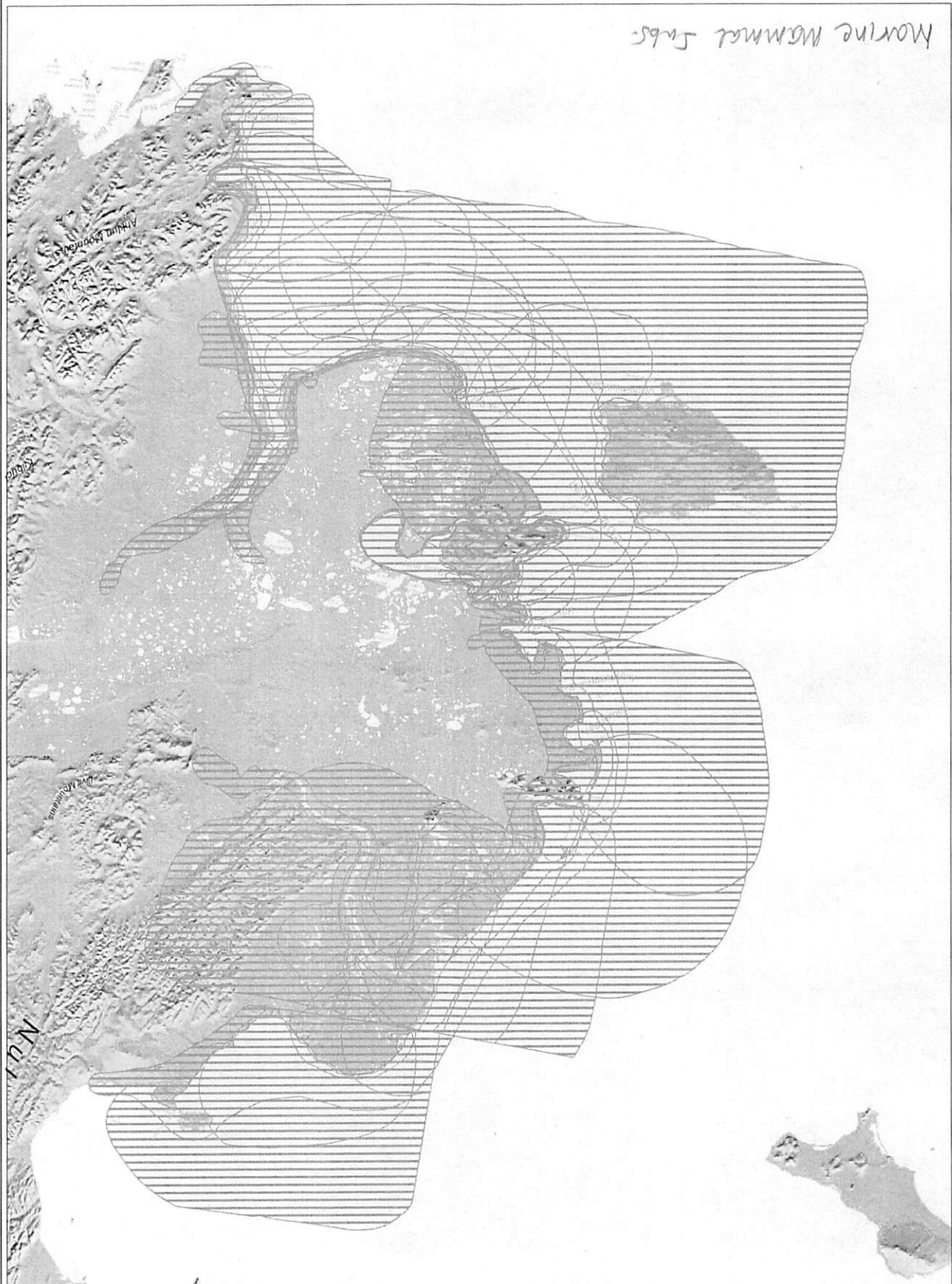
lead to profound impacts to subsistence communities both in and outside of the trawl area, as well as the resources on which they rely for cultural and economic sustenance.

Sincerely,

metcalf for Charles D.N. Brower

Charles D.N. Brower, Chair
Eskimo Walrus Commission

cc: Vera Metcalf, Director, Eskimo Walrus Commission
Loretta Bullard, President, Kawerak, Inc.
Rosa Meehan, Supervisory, USFWS





Cenaliulriit Subsistence Mapping



Map:

DRAFT MAP

Region, 10 of 12

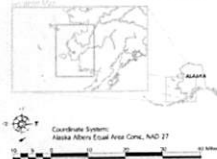
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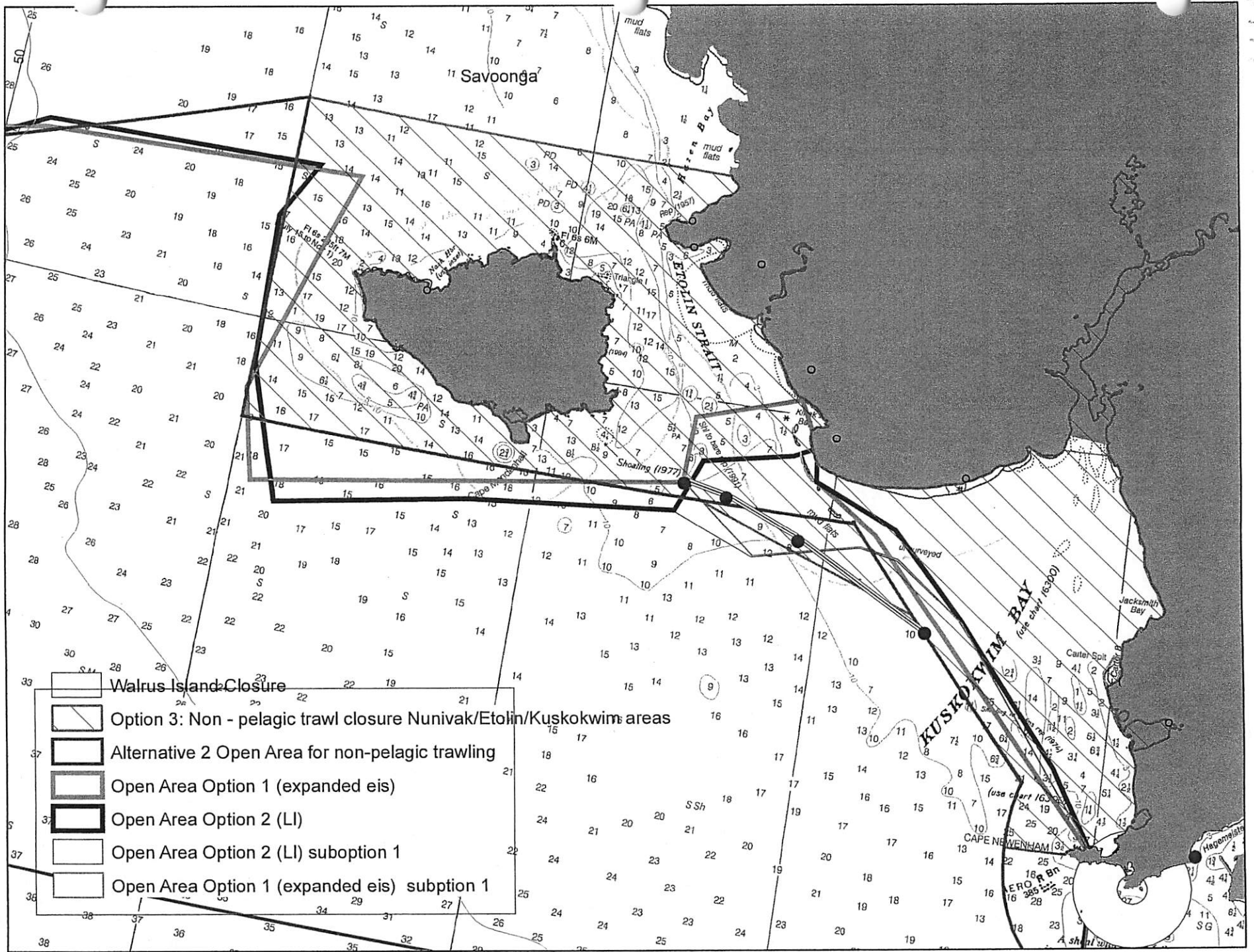


A publication funded by the Alaska Coastal Management Program, Office of the Governor, pursuant to Federal Coastal and Atmospheric Administration Award No. NA1752225. The views expressed herein are those of the author(s) and do not necessarily reflect the views of NOAA.

Legend

▨ All Fish Areas





Walrus Island Closure

Option 3: Non-pelagic trawl closure Nunivak/Etolin/Kuskokwim areas

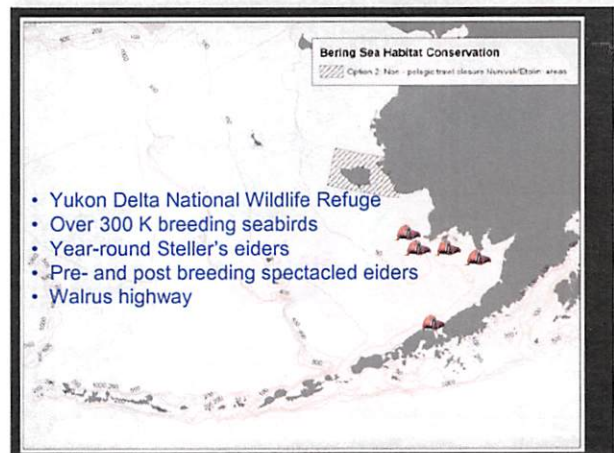
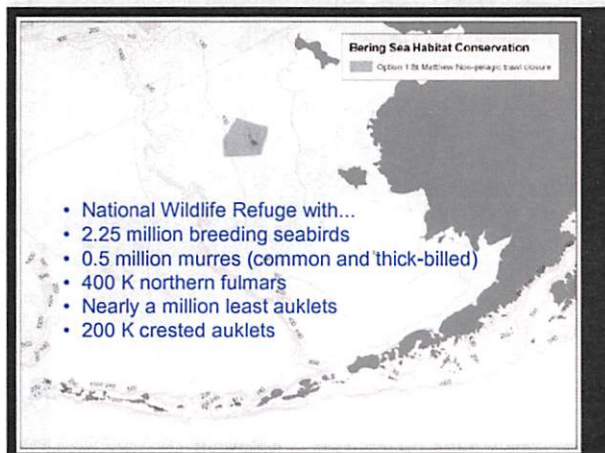
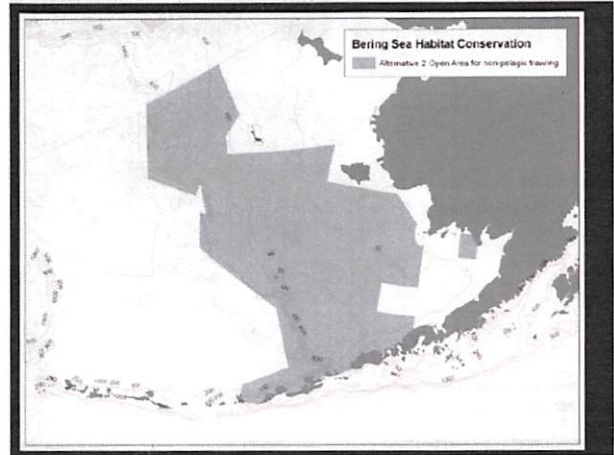
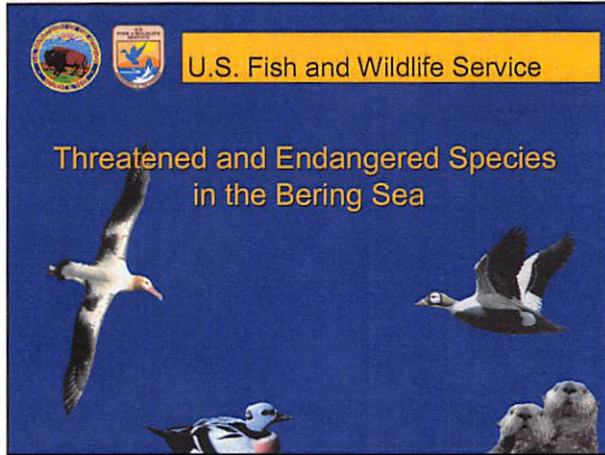
Alternative 2 Open Area for non-pelagic trawling

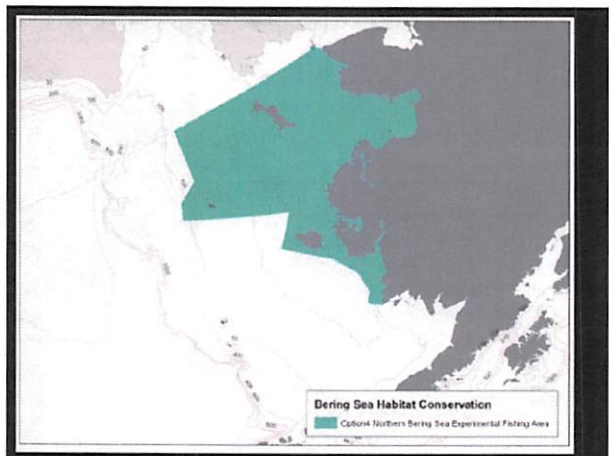
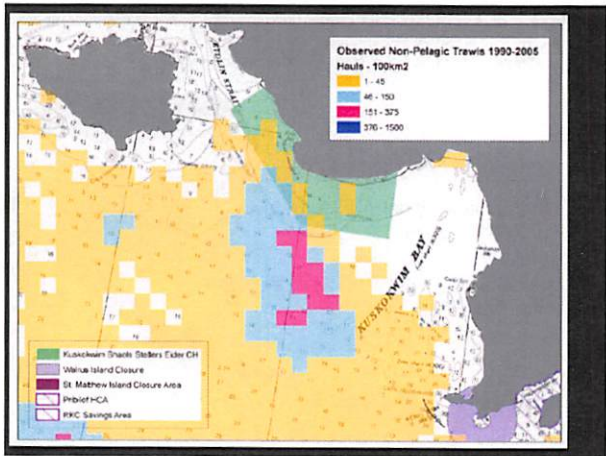
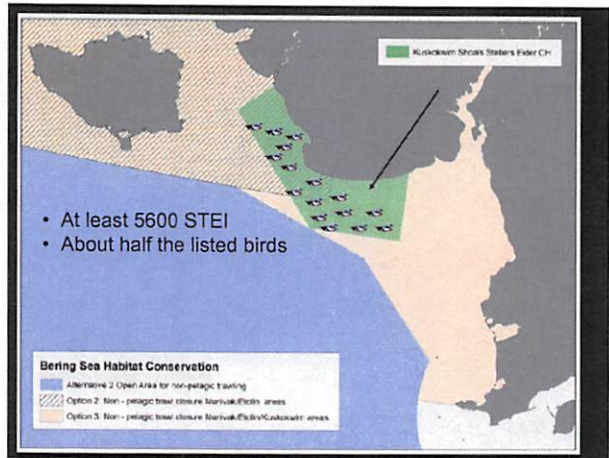
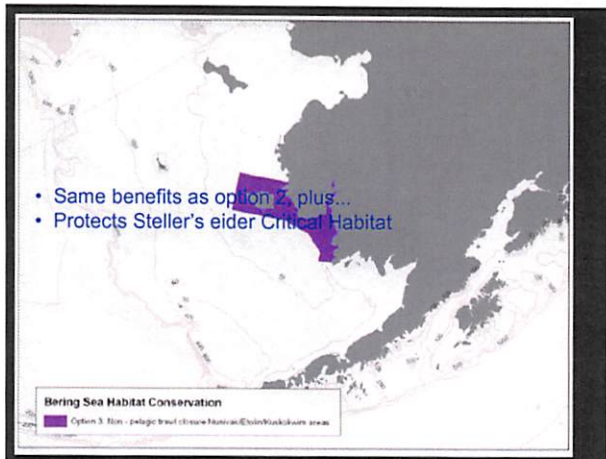
Open Area Option 1 (expanded eis)

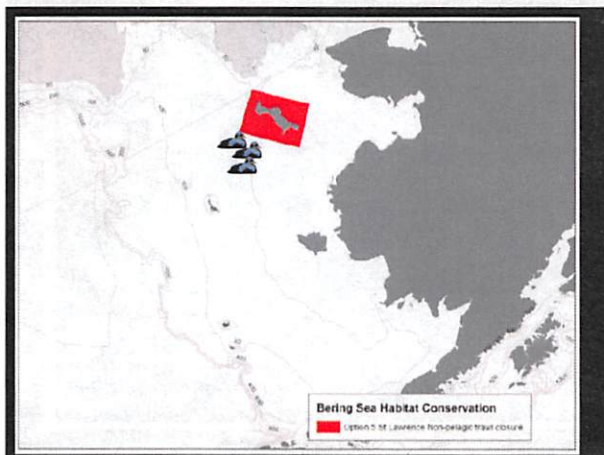
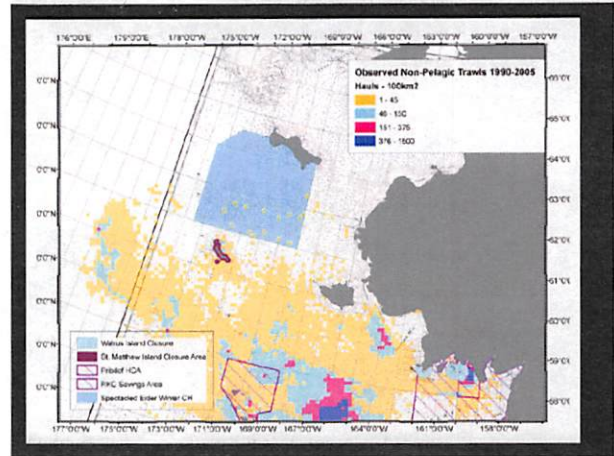
Open Area Option 2 (LI)

Open Area Option 2 (LI) suboption 1

Open Area Option 1 (expanded eis) suboption 1

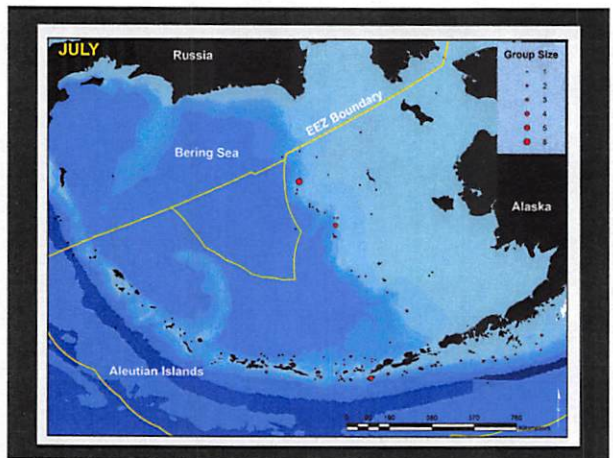
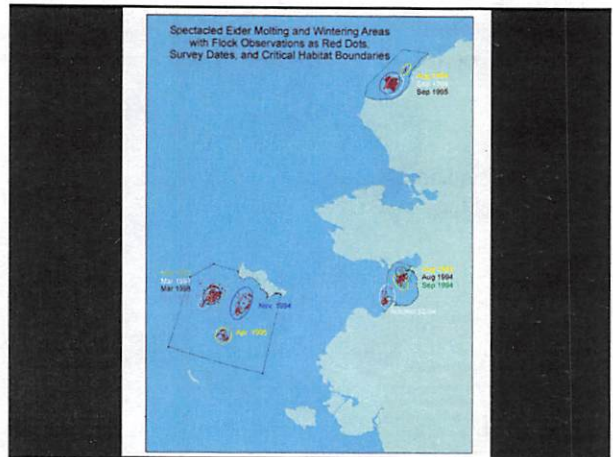


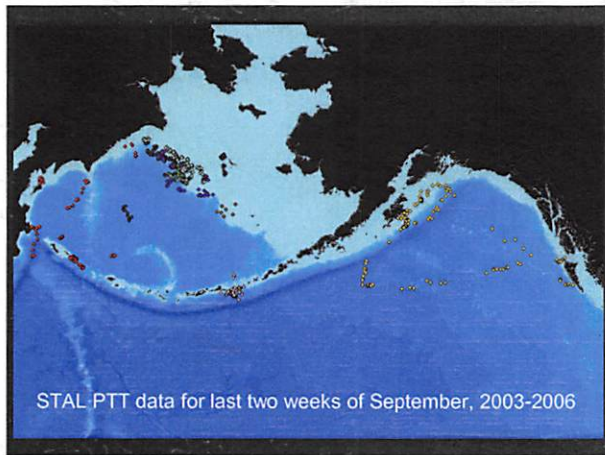
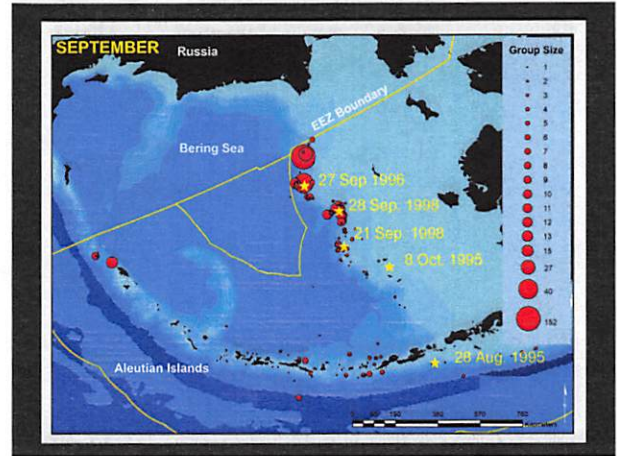
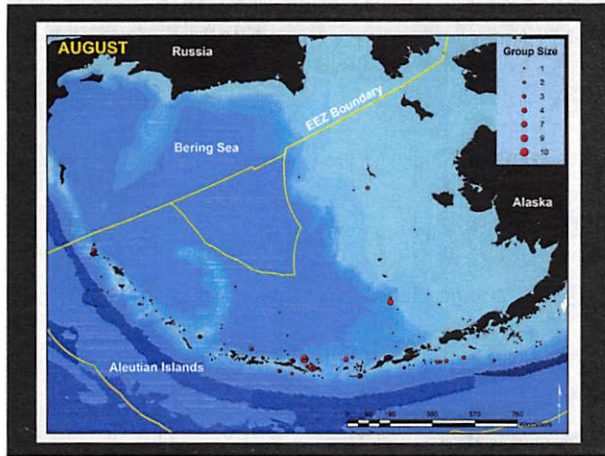


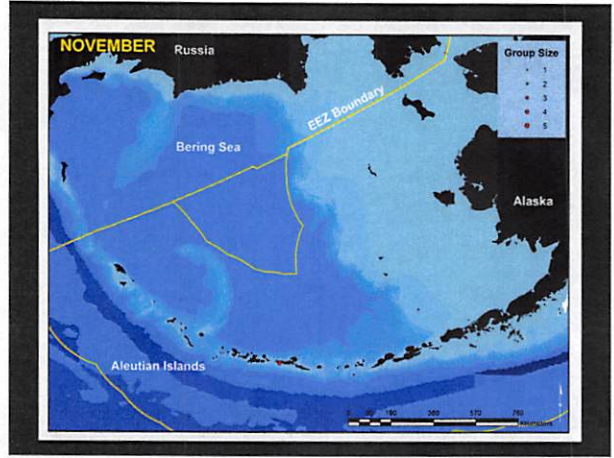
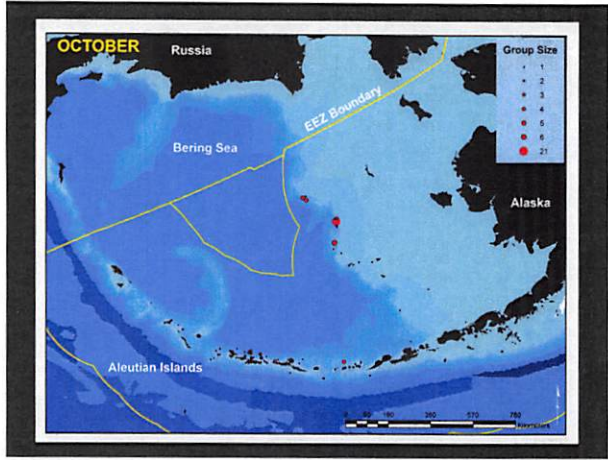


U.S. Fish and Wildlife Service

FWS Trust Species Data Gaps







D-3a
Sky Starkey
Todd Loomis

**Summary of Western Alaska Community and Bering Sea Flatfish Trawl Industry Meeting
and AGREEMENT by involved parties made on March 30, 2007**

Members of Alaska Village Council Presidents and participants of the flatfish trawl fleet met to discuss concerns on proposed boundaries of alternatives pertaining to the area around Etolin Strait, Nunivak Island and Kuskokwim Bay in the Bering Sea Habitat Conservation analysis. The specific areas addressed occur near the Nunivak / Etolin Strait/ Kuskokwim area under Alternatives 2 and 3 (options 2, 3, and 4) in the EA/RIR/IRFA for the action. The Council requested that the industry work with the communities to come to an agreement regarding the southern boundary line in the vicinity of Etolin Strait for Alternative 2 and for Alternative 3. The concerns are based on potential disturbance of subsistence resources and habitat from non-pelagic trawl fishing, and the importance of resources in the Nunivak/ Etolin Strait and Kuskokwim Bay areas for longterm community subsistence uses. The flatfish industry has relied on portions of this area and believes that it represents one of the better fishing areas for yellowfin sole in terms of high target catch rates and low bycatch.

The group discussed the southern boundary near Etolin Stait as presented in the initial draft analysis. The ACVP presented a southern boundary line that followed the extent of traditional fishing and hunting grounds as documented by Cenaliulriit marine mammal and fishery subsistence maps provided by ACVP. Subsistence harvests in this area include ice seals (ringed, bearded, spotted and ribbon), beluga whale, walrus, seabirds, shorebirds, and halibut and other fish. The flatfish industry presented information on the timing and location of tows in this area by H&G vessels fishing for yellowfin sole including information on target catch rates during the

later spring months and relative bycatch rates for halibut, herring, and salmon. The proposed southern boundary provided by ACVP extended south of the boundaries shown in the preliminary and initial review draft analysis.

The ACVP representatives explained the importance of protecting the Nunivak/Etolin Strait and Kuskokwim Bay areas for long term subsistence use by coastal and interior community residents. The representatives of these communities expressed serious reservations about making any final decisions about how a boundary should be established to protect community subsistence resources and habitat because of the need to work with tribal councils and elders from the region before coming to a decision. The tribes and users need to be informed of the scientific information that is available for this area, and they are interested in additional research to support any decision making. In the converse, the scientific agencies also need to gather local and traditional knowledge (LTK) about the ecosystem from the subsistence users of these community resources to expand the current understanding of this area.

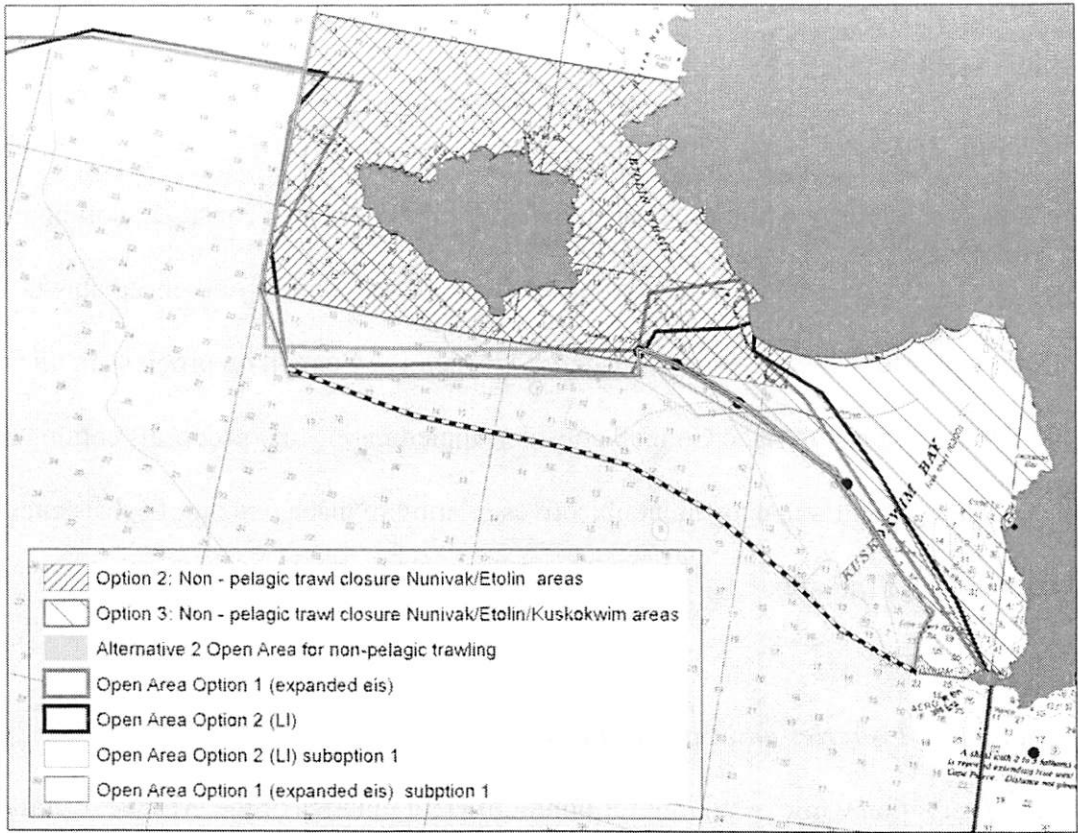
For purposes of establishing a protection zone under the Council's Bering Sea Habitat agenda item given the timeframe for taking such action, the participants agreed, as a first step, to a southern boundary for purposes of this EFH action (see attached chart). In coming to this agreement, the flatfish industry members have committed to continue to work with the AVCP communities to communicate and share information with these communities on flatfish fishing activities as well as available scientific knowledge and other information for the area. This ongoing process is also intended to result in discussions between the tribes and industry

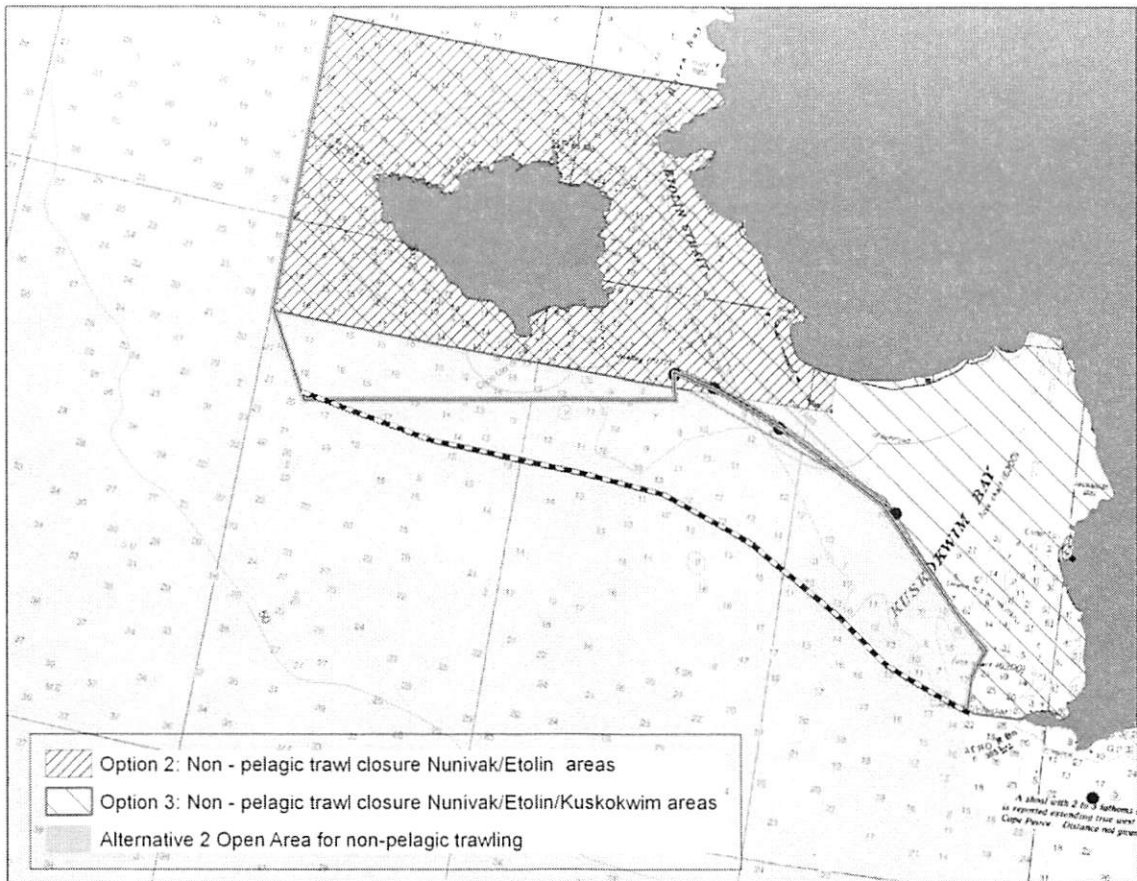
regarding the goal of protecting the communities' subsistence resources. We expect this process to take an additional two years.

Further, the AVCP communities and the flatfish industry jointly agree to consider additional protection of subsistence uses and resources for the affected communities referenced above. We agree to make a report to the North Pacific Fishery Management Council on progress in this area by April of 2009 and request that the Council consider implementing any proposals coming out of this process. The Council's management objectives relating to management of subsistence resources in the BS/AI FMP are:

Promote Sustainable Fisheries and Communities:

- (6) Promote conservation while providing for optimum yield in terms of the greatest overall benefit to the nation with particular reference to food production, and sustainable opportunities for recreational, subsistence, and commercial fishing participants and fishing communities.
- (7) Promote management measures that, while meeting conservation objectives, are also designed to avoid significant disruption of existing social and economic structures.





March 23, 2007

Ms. Stephanie Madsen, Chair
North Pacific Fishery Management Council
605 W. Fourth Avenue, Suite 306
Anchorage, AK 99501-2252

Mr. Doug Mecum, Regional Administrator
NOAA Fisheries, Alaska Region
709 West Ninth Street
Juneau, AK 99802-1668

RE: Agenda Item D-3a, Essential Fish Habitat, Bering Sea

Dear Madame Chair and Mr. Mecum:

The Council has demonstrated their commitment to protect fish habitat consistent with National Standard 8 of the Magnuson Stevens Fishery Conservation and Management Act mandates. This habitat protection commitment is further reflected in the Council's objectives in the Programmatic SEIS for the groundfish fisheries of Alaska to reduce and avoid impacts to habitat¹. We continue to be supportive of the Council's efforts to protect Essential Fish Habitat thus far, and we commend the Council's commitment as expressed during its unanimous motion two years ago to develop a trailing amendment and EA and undergo an expanded analysis of habitat conservation for the Bering Sea. During this March 2007 North Pacific Fishery Management Council meeting, you are scheduled to discuss an initial review of analyses of alternatives to protect habitat in the Bering Sea.

The northern Bering Sea shelf is critical habitat for a wide array of species, from bowhead whales that support vital subsistence harvests to commercially important crab species. The northern Bering Sea shelf includes the Fish and Wildlife Service's designated critical habitat for the ESA-listed spectacled eider and Steller's eider. These eiders rely on benthic invertebrates that live in and on the seafloor, as do Pacific walrus which are an important subsistence food source. Alaska's crab species, which include some of the world's most valuable crustacean species, are also reliant on healthy and productive seafloor habitat. They are tightly linked to the benthic food web and feed upon benthic organisms such as polychaete worms, bivalves, snails, brittlestars, starfish, anemones, crabs, and other crustaceans in the Bering Sea. St. Matthew blue king crab, opilio crab and Norton Sound red king crab all rely on the habitat of the northern Bering Sea shelf which is currently experiencing little trawl effort.

Since warm ocean conditions tend to favor pelagic over benthic components of the Bering Sea^{2,3}, the benthic food web will likely be under stress from global warming in the future. Therefore, the cumulative effects of bottom trawling on the seafloor will have to be more carefully managed to maintain the resiliency of the benthic food web.

¹ NMFS. 2004. Programmatic Supplemental Environmental Impact Statement for the Alaska Groundfish Fisheries Implemented Under the Authority of the Fishery Management Plans for the Groundfish Fishery of the Gulf of Alaska and the Groundfish of the Bering Sea and Aleutian Islands Area. June 2004.

² Hunt, G. L. Jr., P. J. Stabeno, G. Walters, E. Sinclair, R.D. Brodeur, J. M. Napp, and N. A. Bond. 2002. Climate change and control of the southeastern Bering Sea pelagic ecosystem. *Deep-Sea Research II* 49:5821-5853.

³ Palmer, M.C. 2003. Environmental controls of fish growth in the southeastern Bering Sea. In J.L. Boldt (Ed.) *Ecosystem Considerations for 2004. Appendix C of the BSAI/GOA Stock Assessment and Fishery Evaluation Reports.*

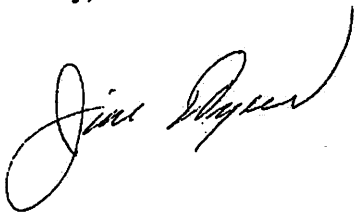
Under status quo, the sand/mud habitat of the Bering Sea shelf is predicted to become less structured due to trawling. On average, this habitat is estimated to lose 3-19% of its living structure due to trawling⁵. Additionally, some substantial sand/mud habitat areas are predicted to become nearly devoid of living structure, losing 75-100% of its living substrate⁶.

There is inadequate justification for rejection of several alternatives that have been discussed during the development of this draft EA. In particular, there are currently no options for the conservation of slope habitat, which is the most under-protected of the five broad habitat types in the Bering Sea (the others being coastal shelf, middle shelf, outer shelf, and basin⁴). There are currently no year-round habitat protection areas along the Bering Sea slope, and there is no future consideration of such areas in this draft EA. The exclusion of habitat conservation options for the Bering Sea slope counteracts a comprehensive approach to managing Bering Sea habitat. The slope habitat of the Bering Sea had among the largest reductions in structure of any of the habitat types in the Bering Sea⁵. Non-living or living structure across all slope habitat in the Bering Sea was estimated to be reduced 4-19% by fishing⁵. It is important to note that these estimated reductions are averaged across large areas of habitat. Some habitat areas, dependent on the trawling intensity, are predicted to lose much of their structure. On a localized scale, these reductions are substantial, and could have dire consequences for the ecosystem if they occur in important ecological areas. For example, the southern arm of Pribilof Canyon is estimated to lose 50-75% of its living structure if current levels of trawling continue⁶. We strongly urge NMFS and the Council to consider habitat conservation options for the Bering Sea slope, particularly submarine canyons along this slope.

The National Research Council recommended a balanced combination of three management tools for managing the effects of trawling on seafloor habitat: fishing effort reductions, gear modifications, and establishment of areas closed to fishing⁷. While a balanced combination of these tools for mitigation of habitat impacts is not included in the draft EA, there are, however, some options for precautionary habitat management. In the current suite of alternatives, Alternative 2, which would prevent major expansion of bottom trawl effort into the north and along the coast, is a precautionary step to protect habitat that has experienced little trawling in the past.

Alternative 2, with its concept of freezing the footprint of bottom trawling, would protect the seafloor habitat of Kusokwim Bay, Etolin Strait, Nunivak Island, St. Matthew Island, St. Lawrence Island, Norton Sound, and Kotzebue Sound. It is particularly important to prevent expansion of trawling into habitat that supports resources needed by local communities in these areas. Finally, according to NMFS, the effects of fishing on over a third of the life history processes for FMP species were 'unknown'⁸. Therefore, it is imperative to consider precautionary management of the habitat upon which these species rely. We urge the Council to pick Alternative 2 as the preliminary preferred alternative.

Sincerely,



⁴ National Research Council. 1996. The Bering Sea Ecosystem: Report of the Committee on the Bering Sea Ecosystem. National Academy Press. Washington D.C. 324 pp.

⁵ NMFS. 2005. Final EFH EIS: Appendix B. Table B.2-9. April 2005

⁶ NMFS. 2005. Final EFH EIS: Appendix B. Figure B.2-3a. April 2005.

⁷ National Research Council. 2002. Effects of Trawling and Dredging on Seafloor Habitat.

⁸ NMFS. 2005. Final EFH EIS: Appendix B. Table B.4.1. April 2005.



Alaska Marine Conservation Council

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April 3, 2007

Stephanie Madsen, Chair
North Pacific Fishery Management Council
Anchorage, AK 99501

Re: Agenda Item D3(a), Bering Sea Habitat Conservation

Dear Madame Chair,

Alaska Marine Conservation Council strongly supports establishing a northern boundary for the bottom trawl fisheries in the Bering Sea (Alternative 2). A priority for Bering Sea habitat conservation is to contain the bottom trawl footprint. Alternative 2 is an important conservation approach in light of ecological changes under way in the Bering Sea due to warming temperatures and dramatic loss of sea ice in the northern region were fisheries have not concentrated in the past.

1. Climate change and associated ecological upheaval is an important reason for applying special precaution in the northern Bering Sea:

- The northern Bering Sea supports sensitive marine species, such as the threatened spectacled eider, walrus and ice seals that are already under stress from climate change. Loss of sea ice is changing the ecosystem raising a new degree of uncertainty in terms of evaluating effects of fisheries. Preventing new sources of impact is important for promoting resilience in the northern Bering Sea.
- Stock assessment surveys have not been conducted in the northern Bering Sea. Effects of fisheries will be unmeasurable if new large scale fishing effort moves into new places without a baseline or ability to track trends.
- Traditional subsistence use of marine and coastal resources is fundamental to Yupik and Inupiaq cultures in the Bering Sea. Establishing a northern boundary at this time provides some safeguards while the larger issues of managing fisheries in a changing ecosystem can be addressed.

2. Other alternatives and options are not adequate.

- Options 1, 2 and 5 – Bottom trawl closures around Nunivak, St. Matthew and St. Lawrence islands

These options do not address the scope of sensitive areas in the northern region. Island closures do not protect seafloor habitat associated with the St. Lawrence polynya or spectacled eider critical habitat. Leads and polynyas and the associated benthic environment are also important habitat for walrus and other marine mammals.

- Option 4 – Experimental fishing area

This option is not necessary because nothing precludes EFP research from being done to gather the kind of information prescribed in the option. Furthermore the Council should address a broader set of criteria for managing large scale fisheries in the northern region. In addition to effects of gear on the bottom, the council should also require 1) expanded groundfish and crab surveys, 2) an evaluation of changes underway as a result of the loss of sea ice and other climate related effects, and 3) an evaluation of sensitive physical, biological and cultural features of the northern Bering Sea. Community concerns and requests should be understood and explicitly addressed.

3. Establishing a northern boundary does not unduly constrain fishing.

- The boundary is the most liberal boundary considered by the NPFMC containing virtually all trawl tows that have occurred between 1990 and 2005. All other more conservative boundary options were eliminated from the analysis.
- The H& G fleet will soon be fishing under a cooperative system (Amendment 80) which provides additional tools to manage their halibut PSC cap and build other efficiencies into fishing operations. Part of the rationale for establishing coop systems in the fleet was to provide new ways for the fleet to adapt to conservation measures such as the groundfish retention standard and halibut PSC.

4. Alternative 2 (northern boundary) combined with Option 3 (including the requests jointly made by AVCP and the H&G fleet) provides the most appropriate step at this time to protect the interests of Bering Sea coastal villages.

Sincerely,

Dorothy Childers
Program Director