



# North Pacific Fishery Management Council

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November 21, 2019

## DRAFT LETTER

Lisa Manning  
Office of Protected Resources, Endangered Species Division  
National Marine Fisheries Service  
1315 East West Highway (SSMC3)  
Silver Spring, MD 20910

Dear Ms. Manning:

On behalf of the North Pacific Fishery Management Council (Council), I wish to express our thanks for the opportunity to comment on the Proposed Rule to designate critical habitat for the Central America, Mexico, and Western North Pacific distinct population segments of humpback whales. The Council was established by the Magnuson-Stevens Fishery Conservation and Management Act to manage commercial fisheries in the Gulf of Alaska, Bering Sea and Aleutian Islands, and Arctic Ocean off Alaska.

Commercial fisheries in Alaska provide significant benefits to the Nation. Alaska's commercial fishing and seafood industry annually generates about \$4.4 billion in sales impacts, \$1.9 billion in income impacts, \$2.4 billion in value-added impacts, and 53,400 full- and part-time jobs.<sup>1</sup> Alaska's fisheries also provide 12.8 billion in US economic output. Fisheries from the Gulf of Alaska, Aleutian Islands, and the Bering Sea provide over half of the U.S. domestic seafood production. The Council has long been recognized as a leader in sustainable fishery management. Our ecosystem-based approach to fishery management ensures that fisheries in the Gulf of Alaska, Aleutian Islands, and Bering Sea will continue to supply the Nation and the world with the highest quality wild Alaskan seafood, provide jobs for thousands of Americans, and protect the fishery dependent communities and subsistence way of life that is important in many Alaskan communities.

Under the Council's watch, these benefits to the Nation have been provided while the North Pacific population of humpback whales has consistently grown such that the Central North Pacific (Hawaii) DPS has been removed from the U.S. list of endangered species, and the Western North Pacific (WNP), Mexico (MEX), and Central American (CAM) DPSs continue to show recovery.<sup>2</sup> The Council understands that critical habitat (CH) for these endangered and threatened stocks must be identified, and appreciates the opportunity to provide these comments and suggestions to ensure that identified CH is appropriate and effective in ensuring the conservation and recovery of humpback whales. Because the WNP and MEX DPSs of humpback whales are the only listed populations that occur in Alaskan waters, we limit our comments to the proposed CH for these populations. Throughout, all references to CH are considered for both the WNP and MEX DPSs.

The Council agrees with the Critical Habitat Review Team (CHRT) that prey is the only Essential Feature for which sufficient data exist to evaluate habitat. As noted in Figure 1, humpback whale prey is found in all units (1-10) along the coast of Alaska from Bristol Bay to Dixon Entrance that are considered for critical habitat. However, the CHRT used other information, as is required, to exclude some areas from consideration for CH. The Council concurs with that decision. However, the Council does have concern

<sup>1</sup> Fisheries Economics of the United States, 2015. NOAA Tech. Memo. NMFS-F/SPO-170. May 2017.

<sup>2</sup> Muto, M.M. et al. 2019. Alaska Marine Mammal Stock Assessments, 2018. NOAA Tech Memo NNFS-AFSC-393

with the outer limits suggested for some units. The outer limits of unit 2 (Aleutian Islands Area) and unit 10 (Southeastern Alaska) are drawn along the 2,000 m isobath, while the outer limits of other units (other than unit 1, Bristol Bay which is entirely shelf habitat) are drawn along the 1,000 m isobath. Given the coastal nature of humpback whale prey species, and our understanding of normal dive depths, the 2,000 m isobath appears to be excessive. To simplify regulations and promote consistency between units, the Council recommends that the outer limit for all units other than unit 1 should be drawn along the 1,000 m isobath.

The Council concurs with the determination that no additional conservation measures are necessary to avoid adverse modification of the humpback whale's CH. The Council also notes that previous consultations regarding commercial fishing in the Federal waters off of Alaska have included humpback whales because all populations were listed as endangered. The Council requests that any additional Section 7 consultations following designation of CH be conducted in accordance with NOAA Fisheries Policy 01-117, which provides opportunities for collaboration with the fishery management councils.

The Council thanks the CHRT for their efforts to identify proposed CH for the WNP and MEX DPSs of humpback whales. We appreciate this opportunity to submit our comments on the proposed rule, and look forward to working with NOAA Fisheries as CH is finalized.

Sincerely,

Simon Kinneen

Chair, North Pacific Fishery Management Council