

MEMORANDUM

TO: Council, SSC and AP Members  
FROM: Chris Oliver *Chris*  
Executive Director  
DATE: May 28, 2009  
SUBJECT: Ecosystem issues

ESTIMATED TIME 4 HOURS All D-3 Items
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**ACTION REQUIRED**

- (a) Status report on the HAPC process and take action as necessary
- (b) Review of Northern Bering Sea Research Plan Outline

**BACKGROUND**

- (a) Status report on the HAPC process and take action as necessary

Habitat areas of particular concern (HAPCs) are areas within essential fish habitat (EFH) that may require additional protection from adverse effects. Essential fish habitat is designated for the managed species identified in the Council's five Fishery Management Plans (BSAI and GOA groundfish, BSAI crab, Scallop, and Salmon). The EFH guidelines provide that HAPCs may be identified as specific types or areas of habitat within EFH, based on one or more of the following four considerations: they provide an important ecological function, are sensitive to human-induced environmental degradation, are subject to stress from development activities, or are rare.

In 2005, the Council formally revised its approach to the designation of HAPCs by adopting a site-based approach. The Council developed a detailed process to be used to identify HAPC sites in the future, which is outlined in **Item D-3(a)(1)**. As described, the Council will periodically set priority habitat types, and call for HAPC nominations through a proposal process that will focus on specific sites consistent with those priorities. HAPC proposals will be considered by the Council on a three-year cycle, or on a schedule decided by the Council. The sites proposed under this process will then be reviewed by the Plan Teams for ecological merit, and also reviewed by staff for socioeconomic, management, and enforcement impacts. Based on this combined review, the Council may choose to advance various HAPC proposals for further analysis. The Council may designate specific management measures, if needed, to apply to each HAPC location.

Council's 2003-2004 HAPC proposal cycle

To date, there has been one HAPC nomination process under the revised approach. It was initiated in October 2003, and resulted in the implementation of several HAPC designations in the Gulf of Alaska and the Aleutian Islands in 2006. For the initial 2003-2004 HAPC process, the Council identified two specific priority areas for HAPC proposals:

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.

Additionally, nominations were to be based on best available scientific information and include 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.

The Council received 23 HAPC proposals from six different organizations. The proposals were reviewed by the Plan Teams and staff. 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.

#### Council discussion of priorities and proposals for the next HAPC cycle

During the 2003-2004 HAPC proposal cycle, six proposals were received that did not meet the Council's designated priorities. These identified two sites in the Bering Sea with dense aggregations of soft corals; three deepwater canyons, two in the Bering Sea and one in Prince William Sound; 54 pinnacles in the Gulf of Alaska; 82 pinnacles in the Aleutian Islands; and the Eight Fathom Pinnacle in the Gulf of Alaska. The Council minutes from April 2004 note that these proposals were removed from the current analysis, but were placed on hold for further consideration under the next HAPC cycle. The proposals would be considered "alive", and need not be re-submitted, although it was expected that the submitters would participate in updating and revising their proposals.

Additionally, during the discussion of Bering Sea Habitat Conservation at the Council, in 2006-2007, the SSC and the Council considered Bering Sea skate nurseries and Bering Sea canyons as possible candidates for priorities in the next HAPC cycle. A summary of available research on these subjects was prepared and presented. In June 2007, the Council determined that it would be premature to initiate a call for proposals as there were no identified conservation concerns at that time.

#### HAPC proposal evaluation criteria

During the 2003-2004 HAPC proposal cycle, the Council received feedback from the public and the Plan Teams about the criteria used to evaluate the HAPC site proposals. It was noted that the review criteria had not been made available during the call for proposals, so that the proposers had no way of knowing the full range of information that would be required to rate their respective proposals. Additionally, some of the rating criteria were ambiguous, making it difficult for the Plan Teams to evaluate proposals in a consistent manner. The Council asked the SSC to develop specific criteria for evaluating future HAPC proposals.

In April 2009, the SSC received a presentation about the four HAPC considerations that are listed in the EFH guidelines. The SSC began to develop rating criteria, which would be used to evaluate candidate sites submitted as HAPC proposals. The SSC created a workgroup, and will report to the Council on their discussion at this meeting.

Council action with respect to HAPC process

As 2009 marks the three-year interval since the conclusion of the most recent HAPC process, the Council may wish to consider whether to resolicit for HAPC proposals. In order to initiate a new HAPC process, the Council must specify priorities for HAPC nominations. A request for proposals (RFP) would then be issued based on these priorities, and announced in the Federal Register.

The Council must also include criteria for evaluating the HAPC proposals in the RFP. The SSC is currently developing specific review criteria for the four HAPC considerations from the EFH guidelines. The Council has specified that HAPC proposals must meet the rarity consideration, and at least one other consideration (see Section 2.1 in **Item D-3(a)(1)**). The Council may also wish to specify whether HAPC proposals must meet the habitat type priorities identified by the Council. In the 2004 RFP, the Council additionally identified two other criteria for HAPC proposals: 1) requiring the presence of rockfish species, and 2) the location of the HAPC site must be outside of core fishing areas.

Should the Council decide to proceed with identifying HAPC priorities at this meeting, the following table illustrates a sample timeline for the HAPC cycle that would be initiated. **Note, in April 2009, the SSC suggested that the HAPC process be delayed to synchronize with the EFH 5-year review, which is tentatively scheduled to come before the Council in December 2009.**

June 2009	Council identifies HAPC priorities Review evaluation criteria for HAPC proposals Issue call for HAPC proposals, initiated by FR notice
September 2009	Proposal period closes
October 2009	Summary of all HAPC proposals to Council Council review and decision as to which ideas should be forwarded for Plan Team review
Nov 2009 to March 2010	Plan Team review of HAPC ideas Preliminary enforcement and socioeconomic reviews
April 2010	Summary of all reviews to Council Council finalizes HAPC alternatives for analysis
May to Sept 2010	Analysis of alternatives
October 2010	Initial review
December 2010	Final review, Council decision

(b) Review of Northern Bering Sea Research Plan Outline

The Alaska Fisheries Science Center (AFSC) is assisting the Council in developing a scientific research plan for the Northern Bering Sea Research Area (NBSRA) to study the effects of bottom trawling on the benthic community. The NBSRA was established by the Council and became effective in 2008, and is currently closed to bottom trawl fishing. The intent was to develop a research plan within two years, under which research and experimental bottom trawl fishing in this area could be conducted. The primary goals of the plan would be to investigate the effects of bottom trawling on bottom habitat, and provide information to help with developing future protection measures.

The proposed research plan is intended to:

- establish guidelines for an adaptive management plan for bottom trawl fishing that includes closing control areas to fishing to allow research on the effects of bottom trawling on habitat,
- require all vessels conducting experimental fishing in the NBSRA, under the research plan, to work in conjunction with the AFSC,

- identify information needed to protect crab, marine mammals, and endangered species within the NBSRA from adverse impacts of bottom trawling, and
- identify information needed to protect subsistence needs of Western Alaska communities from adverse impacts of bottom trawling in areas of the NBSRA

Cynthia Yeung is the AFSC lead for developing the plan, and will present an outline of the plan to the SSC at this meeting. The outline was mailed to the Council in mid-May, and is attached as Item D-3(b)(1).

An inconsistency with respect to the timeline has been raised by the public. In adopting the original motion creating the NBSRA, the Council indicated that the research plan should be developed within two years of the implementation of the closure, i.e., by July 2010. Subsequently, in response to public testimony, the Council agreed to tie the development of the research plan and any management measures that may result from the plan, to the timeline for revisiting the boundaries of the Nunivak-Etolin Straits-Kuskokwim Bay Habitat Conservation Area, a review of which is scheduled for 2011. The Council may wish to clarify how these actions will synchronize with each other.

