

May 26, 2015

Chris Oliver  
North Pacific Fishery Management Council  
605 West 4th, Suite 306  
Anchorage, Alaska 99501-2252

Dear Mr. Oliver,

The Eyak Preservation Council (EPC) is a 501(C)(3) non-profit organization that addresses social and environmental issues surrounding wild salmon habitat and culture in the Copper River and Prince William Sound areas of Alaska.

The Navy is scheduled to conduct trainings in the GOA beginning June 15<sup>th</sup> 2015 as well as currently seeking a permit for an additional 5 years to conduct annual training activities, called 'Northern Edge' in the GOA Temporary Maritime Activities Area (TMAA). Allowable training activities can be found in the Navy's current EIS: [www.goaeis.com](http://www.goaeis.com).

In researching the Navy GOA FEIS/SEIS for Northern Edge Training activities in the GOA TMAA it was learned that the NPFMC has not considered potential impacts to commercially viable fish stocks from the increased Navy activities in the GOA. It was also learned from a call with NMFS Habitat Resources Division that in order for an issue like this to be considered it would have to be brought to the NPFMC attention either by the action agency or industry stakeholders, neither of which has happened until now.

It is our concern that impacts to commercially viable fisheries resources were not fully considered by the Navy in the FEIS/SEIS and request the NPFMC consider these documents and also request the Navy postpone training activities until further information can be provided.

Given the Navy's inadequate NEPA documents, insufficient public process and lack of transparency we believe that it will be impossible to resolve these issues before June 15, 2015. There must be no trainings scheduled before mid- September 2015 at the earliest and only if all of the legal and regulatory procedures have been fulfilled. As a group that represents the public interest, we believe that communication between all stakeholders needs to be ongoing. The community and stakeholders continue to have serious concerns.

In NMFS's EFH consultation on this action, NMFS disagreed with the Navy's findings of 'no significant impact.'

[http://goaeis.com/Portals/GOAEIS/files/RegulatoryConsultation/04\\_NOAA\\_NMFS-MSFCMA.pdf](http://goaeis.com/Portals/GOAEIS/files/RegulatoryConsultation/04_NOAA_NMFS-MSFCMA.pdf)

The following are points from the consultation that reinforce our opinion that it is inappropriate to move forward with these trainings at this time as well as reinforce the opinion that the Council needs to be consulted by the Navy and NMFS regarding this action.

Executive Summary, Page 1 - Habitat Areas of Particular Concern (HAPCs) are subsets of EFH that provide extremely important ecological functions or are especially vulnerable to degradation. These subsets of EFH are rare, sensitive, ecologically important, or located in an area that is already stressed. Federal agencies are required to consult with the National Marine Fisheries Service (NMFS) and to prepare an EFHA if they determine their actions may adversely affect EFH.

HAPC's exist in the TMAA.

ES Page 2 - "Potential stressors to managed species and EFH include vessel movements (disturbance and collisions), aircraft overflights (disturbance), fuel spills, ship discharge, explosive ordnance, sonar training (disturbance), weapons firing/nonexplosive ordnance use (disturbance and strikes), and expended materials (ordnance-related materials, targets, sonobuoys, and marine markers). Navy activities could have direct and indirect impacts on individual species, modify their habitat, or alter water quality."

Also on page 2 - "Impacts to habitats and communities may result in damage that could take years to decades from which to recover."

Page 3 - "Using an ecosystems-based approach, it is concluded that adverse impacts on EFH may occur as a result of implementation of the proposed action."

Page 3 - Designated EFH and HAPCs (e.g., seamounts) exist within the TMAA.

Down towards the bottom of the document, Page 3 of the January 4 2011 letter from NMFS to the Navy under "Conservation Recommendations":

**The Navy has determined that"... there would be no EFH adverse affects, based on the limited extent, short duration, and small magnitude of potential impacts from GOA Navy training activities." Based on NMFS' review of the EFH Assessment and the Preliminary FEIS/OEIS, NMFS disagrees with this determination due to the potential for acoustic effects on EFH as well as physical and chemical effects from expended materials. We offer the following recommendations pursuant to Section 305(b)(4)(A) of the Magnuson-Stevens Act. Our specific comments and rationale for these recommendations are provided in the Enclosure.**

**Conservation recommendations:**

1. All Navy training activities which may result in expended materials on the sea floor should avoid Habitat Areas of Particular Concern (HAPCs). HAPCs comprise a very small part of the total TMAA area and should be avoided given their rare and sensitive natures and ecological importance. Information regarding HAPCs in the TMAA area can be found at <http://www.alaskafisheries.noaa.gov/habitat/efh.htm> and [http://www.alaskafisheries.noaa.gov/habitat/efh/hapc/hapc\\_ak.pdf](http://www.alaskafisheries.noaa.gov/habitat/efh/hapc/hapc_ak.pdf).
2. The Navy should develop and implement a long-term monitoring plan in coordination with NMFS and EPA that addresses the fate, transport, and effects of expended materials on EFH. The data resulting from the monitoring plan would help to fill the current data gap in GOA on expended materials and to describe and quantify the possible effects over time.
3. The Navy should coordinate the exercises so as to not to displace or effect known research activities taking place in the TMAA. Advance coordination between the Navy,
4. The Navy should coordinate with NMFS to develop a fish mortality reporting plan. The plan should specify procedures that the Navy will use to identify any measurable mortalities or injured fish in areas of Navy activities, and to collect and preserve samples for subsequent analysis if possible. The resulting information should be sent to NMFS in a report along with a noise catalog for the activities occurring near these incidents and any other relevant events during this time. This unique opportunity to record such information during the Navy's exercises

could prove extremely valuable in furthering the understanding of acoustic and/or other types of effects on fish. This data may also be very useful during the next EIS/OEIS process for future Navy training exercises.

The Navy's response was 1. No 2. No 3. Yes and 4. No. This letter is dated Jan 24 2011 and is from JM Foster.

Also supporting our opinion of delaying the trainings as well as warranting the involvement of the Council on this action, please review the following excerpts from the Navy's EIS Section 3.6 Fish: [http://goaeis.com/Portals/GOAEIS/files/EIS/GOA\\_FEIS\\_3\\_6\\_Fish.pdf](http://goaeis.com/Portals/GOAEIS/files/EIS/GOA_FEIS_3_6_Fish.pdf).

Page 10 – 11:

"3.6.1.2 Essential Fish Habitat

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) (16 United States Code [U.S.C.] §1801 et seq.), as amended by the Sustainable Fisheries Act (SFA), mandates identification and conservation of EFH. The MSFCMA defines EFH as those waters and substrates necessary (required to support a sustainable fishery and the managed species) to fish for spawning, breeding, feeding, or growth to maturity (i.e., full life cycle). These waters include aquatic areas and their associated physical, chemical, and biological properties used by fish, and may include areas historically used by fish."

Table 3.6-1: The Fish and Invertebrate Species with EFH Designated in the Gulf of Alaska TMAA and Table 3.6-2: Salmon Species with EFH Designated in the Gulf of Alaska TMAA

Page 51 - Threatened and Endangered Species and Critical Habitat

As discussed in Section 3.6.1.3, species of ESA-designated salmonids with known or potential occurrence in the TMAA include Chinook, coho, chum, and sockeye salmon; and steelhead

**In reference to sonar:**

- Page 31 - "Based upon currently available data it is not possible to predict specific effects of Navy impulsive sources on fish. At the same time, there are several results that are at least suggestive of potential effects that result in death or damage."

- Page 47 - "Conclusion - Sonar Use

While the impact of anthropogenic sound on marine mammals has been extensively studied, the effects of sound on fish are largely unknown"

**Excerpts From EPC Letter To Senator Murkowski listing our concerns:**

Among the key issues to be resolved are the following:

1. TMAA location – needs to be permanently moved 200 nm offshore.
2. Northern Edge Timing – permanently assure that no training will coincide with the primary fishing seasons (May – September).
3. Prohibit all uses of Sonar – The technology and impacts are not tested in regards to fish. The Navy's EIS clearly states that more research and studies are needed. The lack of information on marine mammal populations and distribution is unacceptable (as evidenced by the Navy and NOAA entering into a settlement agreement in 2012 to address some of these gaps in knowledge).
4. Violations of Environmental Laws – a month and a half ago, a federal district court found numerous violations of law concerning authorization of Navy training and testing activities

in Hawaii and Southern California. The Navy and NOAA used the same illegal approach to analyzing and authorizing activities in the Gulf of Alaska.

5. The Navy needs to adhere to all four of NMFS conservation recommendations listed in the EFH Consultation conducted in 2011. Resolve the inconsistencies between the NMFS with Navy findings in the EFH consultation.
6. New information not added to SEIS – EFH and ESA consultation needs to be reinitiated because of new information on ESA salmon runs in the TMAA. In 2012 and 2013 trawl surveys conducted in the GOA found previously unmapped ESA runs of Chinook salmon from Oregon and Washington within the waters of the TMAA.
7. State of Alaska needs to conduct an independent environmental assessment of these trainings & prove their safety to commercial and subsistence gatherers as well as the general public.

Given these concerns, we feel it is inappropriate to move forward with Northern Edge at this time. We request these exercises be postponed until the above concerns can be fully resolved.

Thank you,

Emily E Stolarcyk

Emily Stolarcyk  
Program Manager



Carol Hoover  
Executive Director/Founder



Dune Lankard  
Board President/ Founder