



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

November 7, 2019

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

RE: Humpback Whale Critical Habitat Proposed Rule

Dear NMFS:

We have reviewed the Federal Register Notice Vol 84, No. 196 regarding the proposed Endangered Species Designation for the Humpback Whale.

We have serious concerns regarding this matter.

Sitka, Alaska is a coastal community of 8,800 people who live on Baranof Island, a Southeast Alaska island that faces the open Pacific Ocean. Two mainstays of our local economy are commercial and sport fishing and tourism.

The proposed rule has direct effects on our local economy. Expressed in the rule is the potential for regulation of Humpback prey species specifically herring. Our commercial and subsistence herring fisheries are very important to our local economy and to our traditional subsistence food harvesters. I do not believe the proposed rule has adequately considered the potential negative impacts to us from potential regulation of prey species.

The proposed rule also suggests that ocean noise such as dredging and pile driving and other noises may require management considerations. Sitka is already burdened by significant construction project delays and permitting costs due to the Marine Mammals Protection Act. We have one of the largest salmon fishing fleets in the State and one of the largest harbor systems. Our need to be able to cost effectively repair and replace harbor facilities cannot be over stated. I do not believe the proposed rule has adequately considered the negative economic effects of yet another layer of Federal regulation upon our ability to maintain our marine infrastructure.

The proposed rule also indicates potential regulation of vessel traffic which has direct bearing on our commercial and sport fishing fleets and upon our cruise ship industry, both of which are foundations of our economy. I do not believe the proposed rule has adequately assessed the impacts to our economy if Federal regulation of vessel movements is implemented under the proposed rule.

The proposed rule states that the largest portion of the estimated administrative costs of the rule will be borne by Unit 10 which is Southeast Alaska. The rule clearly states that in-water and coastal construction activities may generate costs borne by small entities, a term that is defined in the rule as local

governments and private parties.

The rule further speculates that the critical habitat designation could result in changes in fisheries management which as I stated above is a key component of our economy. The proposed rule is silent on the potential economic effects of new Federal fisheries regulations.

The proposed rule identifies additional activities that may be affected such as operations of inland power plants and NPDES permitting. Sitka operates two hydroelectric dams and powerhouses that are located very near the ocean. Additional regulation of these facilities due to the proposed rule will likely cause further costs and delays associated with FERC licensing and oversight. Our FERC compliance costs are already very high.

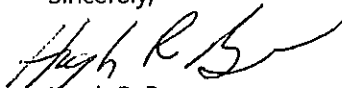
Our wastewater treatment plant relies on a deep ocean outfall for ultimate discharge of treated wastewater. Additional regulatory burden on our NPDES discharge permit due to impacts from the proposed rule will negatively affect the citizen rate payers who fund the operation of the facility.

The proposed rule admits that that eight small communities will bear the brunt of the "administrative" costs of the rule. This list includes Sitka. The estimated cost is \$4,900 per year which is ridiculous considering we already pay more than that sum in delay costs and direct expenses for in-water projects that are permitted under the MMPA, specifically Sea Lions.

In closing, I would point out that the proposed rule extends offshore to the 2,000-meter ocean depth which effectively includes all of our commercial fishing grounds.

There is no clear presentation in the proposed rule that the subspecies of Humpback whales that visit our local waters are indeed in danger of extinction. This rule could have long term, serious economic impacts to Southeast Alaska, a region that is already economically distressed.

Sincerely,



Hugh R. Bevan
Administrator

cc:

Alaska Senator Lisa Murkowski
Alaska Senator Dan Sullivan
Alaska Congressman Don Young
City and Borough of Sitka Assembly
Allen Marine Corporation
Halibut Point Marine
Cruise Line Agencies
Silver Bay Seafoods
Seafood Producers Coop
Sitka Sound Seafoods