



UNITED FISHERMEN OF ALASKA

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December 17, 2019

Seattle Branch Chief, Protected Resources Division
West Coast Region
National Marine Fisheries Service
7600 Sand Point Way NE, Building 1
Seattle, WA 98115

RE: SRKW Critical Habitat Proposed Rule – NOAA-NMFS-2014-0041

United Fishermen of Alaska (UFA) is the statewide commercial fishing trade association representing 34 commercial fishing organizations participating in fisheries throughout the state and the federal fisheries off Alaska's coast.

UFA does not support the listing of Southern Resident Killer Whales (SRKW) critical habitat in Southeast Alaska. There is only one known sighting of SRKW in Chatham Strait, Southeast Alaska in 2007. It is inconsistent with the statutory definition of critical habitat to designate an area based on a single sighting. The ESA defines critical habitat under section 3(5)(A) as the (1) specific areas within the geographical area occupied by the species **at the time it is listed** (emphasis added). The single sighting of a SRKW in 2007 in Chatham Strait was after the species was listed.

A critical habitat area "*shall not include the entire geographical range . . .*" and on page 49218 of the proposed rule, it states that there is not sufficient data to describe the essential habitat features adequately and identify specific areas with those features. As such the single sighting of SRKW could be considered a vagrant individual which under 50 CFR 424.02 is not an area that can be considered critical habitat.

For these reasons, we strongly feel that listing an area in Southeast Alaska would be inappropriate.

Sincerely,

Matt Alward
President

Frances H. Leach
Executive Director