

COASTAL TREATY TRIBES STATEMENT ON ESSENTIAL FISH HABITAT SCOPING

The Quinault Indian Nation and the Hoh, Quileute, and Makah Tribes—collectively the Coastal Treaty Tribes—continue to have grave concerns with the current essential fish habitat (EFH) review and FMP Amendment process. In April 2012 ([Agenda Item I.6.c, Supplemental Tribal Report](#)) we proposed standards and criteria by which proposals to modify EFH designations or management measures (e.g. ecological closures) could be judged. Even now, as the Council contemplates the scope of analysis (i.e. the reasonable range of alternative actions) for Amending the FMP relative to EFH, it is unclear what the PFMC hopes to accomplish with additional closures and how it will measure progress toward those goals.

While the standards proposed by the Coastal Treaty Tribes were incorporated in the questions that the EFH Review Committee considered for each proposal, that is not the same as determining the scope of proposed action based on measurable criteria. Allowing proponents to judge whether there is sufficient new information to warrant a change to EFH designations or management measures is akin to asking the fishing industry to propose harvest levels without the benefit of a stock assessment and review process. In other words, there has been no scientific review of the new data presented in the Synthesis Report to determine the significance of that data within the framework of analyzing EFH data (50 CFR 600.815), nor has there been a scientific review of any of the proposals. We would further point out that NEPA analyses are not the equivalent of scientific review—they assess the known impacts of action rather than the significance of new information on habitats.

In a recent National Marine Fisheries Service Fishery Science Centers (NMFS NW/SWFSC) report on how to scientifically address the question of whether Amendment 19 is working ([Agenda Item D.2.c, Supplemental NW/SWFSC Report, March 2014](#)), they conclude that significant resources must be spent to do a habitat assessment¹ in order to answer that question. The Coastal Treaty Tribes remain concerned that NMFS is enacting “feel-good” management measures to appease environmental non-governmental organizations and minimize the threat of litigation in the absence of such resources and sound science. The Coastal Treaty Tribes raised very specific concerns that the management objectives of ecological closures are not articulated and there is no monitoring to measure whether management goals are being achieved (Agenda Item H.7.c, Supplemental Tribal Reports from [Hoh](#), [Quinault](#), and [Quileute](#)). Those concerns have yet to be addressed.

Likewise, the changes in fishing patterns, including gear switching, that resulted from the rationalized trawl fishery have also not been analyzed. It is premature to consider management measures to alter an unknown fishing pattern. We maintain that this is not living up to the spirit of National Standard 2 to use the best scientific information available. In particular the SSC has not reviewed the available information, or any of the specific proposals, to provide scientific guidance on whether changes to EFH designations or management are warranted.

¹ NMFS. 2010. Marine fisheries habitat assessment improvement plan. Report of the National Marine Fisheries Service Habitat Assessment Improvement Plan Team. U.S. Dep. Commer., NOAA Tech. Memo. NMFS-F/SPO-108, 115 p. https://www.st.nmfs.noaa.gov/st4/documents/habitatAssesmentImprovementPlan_052110.PDF

In sum, the Coastal Treaty Tribes think that major changes to the Groundfish FMP or EFH designations and/or management measure are unwarranted and unsupportable at this time. There are certainly minor corrections and updated information that should be incorporated in the FMP (e.g. the list of species and information about major prey taxa), but the scale of changes suggested in some of the proposals being considered by the Council are unfathomable given the lack of new information about the habitat needs of groundfish species and life history stages. We cannot support anything beyond a narrow scope of action to update the FMP given the lack of new information on habitat needs of the groundfish resource.