

## HABITAT COMMITTEE REPORT ON CRITICAL HABITAT DESIGNATION FOR LEATHERBACK SEA TURTLES

The Habitat Committee (HC) heard a presentation on the proposed rule to designate critical habitat in the U.S. West Coast Exclusive Economic Zone (EEZ) for the endangered leatherback sea turtle. Elizabeth Petras (NMFS, Southwest Region) and Scott Benson (NMFS, Southwest Fisheries Science Center), both members of the Critical Habitat Review Team, presented.

NMFS considered commercial fishing as an activity that could threaten the identified Primary Constituent Elements, but determined that fishery impacts were best addressed through ESA Section 7 consultations on incidental takes. NMFS is seeking public comment on this decision, and in particular, on fishing vessels as a potential impediment to sea turtles' migratory pathways. The HC recommends the Council support the determination in the proposed rule that vessels and fishing gear not be considered as a potential threat to critical habitat.

Discussion among the HC brought up several other concerns. First, based on the information presented and the ESA 4(b)(2) report "Designation of Critical Habitat for the Leatherback Sea Turtle," the HC felt the Council should seek clarification on designation of critical habitat in tribal usual and accustomed (UA) fishing areas, and the basis for not excluding UA from the critical habitat designation. Second, there was concern that effects associated with climate change and inter-annual oceanographic changes were not adequately addressed; for instance, Area 3 can experience warmer water during El Nino events which could affect prey availability and Leatherback migration pathways. The HC recommends that future developments in ecosystem-based management be applied to critical habitat designations. Finally, some HC members noted uncertainty as to the affects of this designation on future community activities.

PFMC  
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