

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON CRITICAL HABITAT DESIGNATION FOR LEATHERBACK TURTLES

The Highly Migratory Species Management Team (HMSMT) heard presentations by National Marine Fisheries Service (NMFS) staff on the proposed Critical Habitat Designation (CHD) for leatherback sea turtles both at their February interim work session and on April 10, 2010. The HMSMT offers the following guidance to the Council on this issue.

The HMSMT is concerned regarding the large extent of the 70,000 square mile area proposed as leatherback CHD within the west coast Exclusive Economic Zone (EEZ). The HMSMT feels that insufficient information has been provided to justify consideration of this entire area as CHD. Applying a definition of CHD along the Pacific coast based on prey and passage seems inconsistent with decision making in the Atlantic and Gulf of Mexico where leatherback critical habitat was designated to protect nesting beaches.

The HMSMT concurs that only permanent structures should be considered if evaluating potential barriers to passage. Fishing operations along the U.S. West Coast do not fall under the category of permanent structures, and thus the HMSMT concurs with the decision to exclude commercial fishing from the scope of CHD. The HMSMT recognizes the need for compliance with conservation measures under the Endangered Species Act (ESA). The HMSMT notes that conservation measures to control leatherback turtle take in commercial fisheries are already in effect under existing ESA Section 7 regulations. The definition of take under Section 7 is sufficiently broad to include barriers to passage within its scope.

The HMSMT notes that very little information was offered in the proposed rule on biomass density of prey species, such as jellyfish consumed by leatherback turtles, yet one of the crucial elements of the CHD as defined is accessibility to prey. Specifically, not enough information was provided to document areas where prey density rose to a level that may warrant leatherback CHD designation. The HMSMT also notes the lack of a clear rationale for selecting the number of areas to consider for CHD and their specific boundaries.

The HMSMT questions how thresholds were assigned to rank different areas under consideration for CHD. It is difficult to understand how values were derived for low, medium, or high risk. Likewise, no rationale for determining the economic benefit of CHD is included in the NMFS economic report on CHD.

In the event that NMFS adds commercial fishing to the scope of Critical Habitat Designation in the future, the HMSMT offers to provide further guidance to the Council on this issue.