

ATTN: PUBLIC COMMENT

PACIFIC OCEAN CONSERVATION NETWORK



AMERICAN OCEANS CAMPAIGN



March 23, 2001

Re: Protecting habitat and fish productivity

Dear Members of the Habitat Steering Group:


Our organizations are writing out of concern about the need for additional habitat protection measures for groundfish. Two thirds of the assessed rockfish managed by the Council are now or will soon be under rebuilding plans. To help ensure that those plans work, to prevent more groundfish species from becoming overfished, and to meet the requirements of the Magnuson-Stevens Act, we believe it is imperative that the Council take proactive steps to protect groundfish habitat and learn more about the impacts of fishing practices, so that habitat protection measures can be made more effective over time. We propose that the Habitat Steering Group help define how the Council will move forward on habitat protection measures, working closely with the National Marine Fisheries Service and with Council members.

As a first step, we suggest that the HSG devote a significant part of the agenda of its June meeting (perhaps a half-day session) to scoping groundfish habitat issues, inviting members of the Council and NMFS habitat experts to participate. The goal of the session would be to develop a set of groundfish habitat protection options and a workplan that the HSG would then propose to the full Council. The plan should include recommendations for structural steps, such as the formation of a groundfish habitat subcommittee of the HSG, that are needed to ensure the workplan is carried out. To help guide that process, we have attached our suggestions for measures that should be considered as part of an effort to protect habitat—in addition to marine reserves, which are already identified in the strategic plan.


We would be pleased to assist the HSG on this project in any way we can, and we appreciate your consideration of this proposal.

Sincerely,

Karen Garrison, Natural Resources Defense Council 

Rod Fujita, Environmental Defense 

Mark Powell, Center for Marine Conservation 

Phil Kline, American Oceans Campaign 

CC: Dr. Don McIsaac

PROTECTING HABITAT AND FISH PRODUCTIVITY

Presented by the Pacific Ocean Conservation Network

March 22, 2001

The Essential Fish Habitat provisions of the Magnuson-Stevens Fishery Conservation and Management Act require Fishery Management Plans to “minimize to the extent practicable adverse effects” on essential fish habitat caused by fishing (16 U.S.C. Sec.1853 (a)(7)). The same requirement applies to rebuilding plans. If depleted rockfish are to recover and be managed sustainably, American Fisheries Society scientists have concluded that an essential step in addition to reductions in fishing mortality rates is adoption of management strategies that protect the physical habitat of these fish and allow for a full complement of age classes. (S.J. Parker et al. Management of Pacific Rockfish, Fisheries V25 N3, March 2000, p. 26).

To fulfill the Essential Fish Habitat mandate, and more importantly, to increase understanding of fish populations and habitat-based productivity, to accelerate rebuilding of depleted fish populations by protecting habitat, and to prevent the depletion of other (unassessed) species which could lead to further constraints on the groundfish fishery, the PFMC and NMFS should take the following actions:

- (1) Impose a freeze on the introduction of new types of gear and changes in fishing practices, until and unless credible scientific information shows that impacts on habitat are within acceptable limits. This freeze should not apply to the use of gear and practices that have proven conservation benefits (such as lowering bycatch or reducing habitat impacts).
- (2) Conduct research aimed at the development of gear performance standards, designed to minimize habitat impacts
- (3) Implement proactive habitat protection
 - Gear restrictions (e.g., footrope size limit)
 - Gear-specific closures
- (4) Establish long-term study areas (including reference areas that are closed to fishing and areas used solely by a specific gear type) to make possible rigorous scientific research on fishing impacts on an ongoing basis, and distinguish fishing impacts from those caused by changes in ocean conditions.

The PFMC has implemented gear limitations that may have the effect of protecting some shelf habitats. The prohibition on landings of shelf rockfish species caught while fishing with large footrope trawl gear appears to have shifted trawling effort away from some

rocky bottom shelf habitats. However, our ability to fully assess the benefits of this measure has been limited by the fact that there are no reference areas that could provide a standard for comparison. This proposal focuses on the need to move forward with habitat protection measures, and in particular to establish Study Areas to help scientists gather credible long-term information on the impacts of fishing.

Rationale for Study Areas

The purpose of designating Study Areas is to provide a means of assessing the impacts of the major types of fishing under the jurisdiction of the PFMC on all of the major habitat types within this jurisdiction, in order to facilitate the timely development of habitat protection measures. Such measures (e.g., performance standards, marine reserves, gear restrictions/modifications, specific gear closures) are necessary not only to fulfill the Council's EFH mandate, but more importantly to protect the habitats upon which the productivity of target and non-target populations depend. NMFS recommended forming an advisory body to work on siting and design of no-fishing reference areas in its March 1998 draft Proposed Recommendations: Essential Fish Habitat for Pacific Coast Groundfish (p. 29). The longer we delay establishing reference areas, the more uncertainty will remain regarding the effectiveness of rebuilding plans and the PFMC's strategies for sustainable management of rockfish.

The purpose of Study Areas is distinct from the purposes of marine reserves. Marine reserves will be implemented primarily to accelerate the rebuilding of depleted populations, protect habitat, and provide insurance against management errors. A substantial body of scientific evidence shows that certain types of fishing have adverse impacts on fish habitat. However, there is a paucity of studies on the impacts of fishing on the specific habitats under the jurisdiction of the Pacific Fishery Management Council. Rigorous scientific assessment of the impacts of fishing will require Study Areas in which the effects of different kinds of fishing can be separated from natural variations, on an ongoing basis.

The effects of fishing on habitat are likely to vary with habitat type and gear type. To rigorously examine these variables, each must be held constant in experimental treatments with replicates.

Attempts to quantify the impacts of fishing on habitat will be confounded and difficult or impossible to interpret if reference areas (where no fishing is allowed) and carefully controlled treatment areas (where certain kinds of fishing are allowed) are not established.

Reference areas should include examples of all major habitat types under the PFMC's jurisdiction (e.g., shelf rocky reef, shelf soft bottom, slope high relief, slope soft bottom, nearshore rocky reef, nearshore soft bottom), replicated to increase the statistical power of the research. The California Dept. of Fish and Game is currently considering creating study areas in nearshore habitats, so any efforts by PFMC should be coordinated with state agencies.

Treatments should include all major fishing gear types and practices (e.g., trawling with and without roller gear, traps/pots, bottom longlining, etc.) and all major habitats in which these types of fishing take place.

Example of experimental design:

HABITAT TYPE	TRAWLING	TRAWLING WITH ROLLER GEAR	TRAPS/POTS	BOTTOM LONGLINING	REFERENCE AREAS – NO FISHING
Shelf – high relief (rocky reefs/banks)	?	X	X	X	X
Shelf – soft bottom	X	X	X	X	X
Slope – high relief (canyon walls)	?	X	X	X	X
Slope – soft bottom	X	X	X	X	X
Nearshore – high relief (rocky reefs)	?	?	X	X	X
Nearshore – soft bottom	?	?	X	X	X

? – May not be practical or legal in some areas.

For each habitat type, study areas should be established off Washington, Oregon, Northern California and Southern California, and/or in each major biogeographic province under PFMC jurisdiction. The areas should be large enough to allow separate fishing experiments using each practical and legal gear type. Combining habitat types into a single study area would reduce the number of study areas required. For example, one Northern California study area in Monterey Canyon could include high relief slope habitats and soft bottom slope habitats, or a single large study area could extend from nearshore to slope habitats and encompass all habitat types.

Study Areas (reference areas and treatment areas) should be set up quickly (within 1 year) to gather information required to fulfill the EFH mandate and inform the development of other measures to protect habitat. Information gathered from Study Areas would be expected to elucidate the impacts of fishing on habitat, and aid in the design of habitat protection performance standards.

Study Areas are consistent with recommendations in the EFH Environmental Assessment, the Groundfish Strategic Plan, and the Marine Protected Area Executive Order.

ACTION ITEMS

The PFMC and NMFS should begin immediately a design and implementation process for establishing Study Areas (including both reference and treatment areas) to evaluate fishing impacts on habitat.

The PFMC and NMFS should allocate or obtain resources necessary to support monitoring and studies in these areas.