

HABITAT COMMITTEE REPORT ON GROUND FISH ESSENTIAL FISH HABITAT AND ROCKFISH CONSERVATION

The Habitat Committee (HC) discussed the following issues related to the Groundfish Essential Fish Habitat (EFH) amendment: the EFH collaborative, protection of deep sea habitat (>3500 m) and deep sea corals, and guidance for developing the range of alternatives.

EFH collaborative

The HC received an update from Seth Atkinson, Shems Judd, and Mariel Combs on the coastwide EFH collaborative (between trawl fishermen and conservation organizations) to modify EFH and Rockfish Conservation Area (RCA) boundaries. The HC appreciates the efforts of the collaborative and believes it is making good progress towards producing an alternative to amend groundfish EFH Conservation Areas for September 2015. The HC looks forward to reviewing an alternative that protects a suite of groundfish habitats, including soft-bottom habitat. We understand that the collaborative has discussed and considered modifications of groundfish EFH and RCA boundaries for the entire west coast with a current (as of June 2015) emphasis on the region 40°10' north.

Deep Sea Habitat and Deep Sea Corals

The HC requests the Council maintain within the scope of action for the groundfish EFH amendment a protection of deep sea habitats and deep sea corals using all and any Magnuson-Stevens Act (MSA) discretionary authorities. Prohibiting bottom trawling in areas deeper than 3500 m is important for protecting deep sea habitats and structure forming invertebrates (e.g. deep sea corals) that are highly sensitive to damage by bottom trawl gear. As no bottom trawling is currently conducted within deep sea habitats, the Council would be protecting these habitats precautionarily and would be able to analyze potential impacts from bottom trawling to these sparsely explored areas prior to authorizing bottom trawl activity within these presumably pristine habitats. The HC recommends the Council and NMFS consider precedents set by other Regional Fishery Management Councils in using discretionary authorities. For example, the Mid-Atlantic Fishery Management Council recently established a broad deep-sea coral zone, and prohibited bottom contact gear, other than red crab pots, from approximately 450 m deep to out to the full extent of the Exclusive Economic Zone (EEZ).

Although the National Marine Fisheries Service (NMFS) report states that a nexus to the groundfish fishery is necessary to apply the discretionary authorities 303(b)(2)(A) and 303(b)(12) to prohibiting bottom trawl gear in waters deeper than 3500 m, they acknowledged there is some uncertainty on that position. This uncertainty has been the subject of discussions between NMFS and interested nongovernmental organizations (Pew Charitable Trust, Oceana, Natural Resources Defense Council, and Earth Justice). Public comments by Pew and Earth Justice interpret the MSA authorities to provide the Council with the additional discretionary authorities under three provisions of 303(b) of the MSA. NMFS Legal Counsel intends to evaluate the authorities in light of these comments. The HC notes that this legal decision is

necessary to inform the development of the range of alternatives that affect deepwater habitats and, as such, it would benefit the Council to request that this decision be provided as soon as possible.

Guidance on development of the range of alternatives

The HC suggests that the five objectives from Amendment 19 in the Record of Decision (NMFS 2006) are appropriate for guiding the development of the range of alternatives. The five objectives are:

1. Protect a diverse array of habitat types across latitude ranges and within the two known biogeographic zones that occur in the project area.
2. Protect the full range of benthic habitat to account for each managed species.
3. Prioritize pristine or sensitive habitats and the gear types most likely to have the highest impact.
4. Distribute socioeconomic costs that would result from implementation of the alternative.
5. Implement area closures for different gear types within different habitat types to foster comparative scientific research.

PFMC
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