

HABITAT COMMITTEE REPORT ON LEGISLATIVE MATTERS

The Habitat Committee (HC) discussed the proposed letter to Rep. Hunter on HR 5797 (Agenda Item G.1 Attachment 7). There was a general consensus among the HC members that the legislation would ensure protection of the seamounts from non-fishing impacts such as oil and gas exploration, but that the Council should continue to have primary responsibility for fisheries management.

The HC offers the following suggested edits (italicized) to Agenda Item G.1 Attachment 7 (draft Council letter to Congressman Hunter). The edits are focused on essential fish habitat (EFH) and the protections that would be afforded to EFH by the proposed legislation:

2. Section 2(b) states the purpose of the bill lists [sic] is to protect nationally significant historical, natural, cultural, scientific, and educational values of the California Seamounts and Ridges National Marine Conservation Area from non-fishing impacts. All seamounts and the Mendocino Ridge are designated “habitat areas of particular concern” and are designated as essential fish habitat (EFH) under the Council’s FMP. Protection of these areas is consistent with the Pacific Council’s Authority under MSA Section 302 (h)(7) to identify non-fishing impacts to EFH, and describe conservation measures to avoid or minimize those impacts.

In addition, under the EFH provisions of the Pacific Council’s Groundfish FMP, over 130,000 square miles of seafloor off the U.S. West Coast has been closed to groundfish bottom trawling, including all of the areas affected by this bill except for Tanner and Cortes Banks. However, those areas are included in the Cowcod Conservation Area West, which is one of the long-term bycatch mitigation areas identified in the Groundfish FMP, and is closed to groundfish bottom trawling in addition to other commercial and recreational groundfish fishing restrictions. *As seamounts and the Mendocino Ridge are already protected from impacts from groundfish bottom trawling and have been designated as HAPCs, complementary protection from non-fishing impacts through the legislation proposed in H.R. 5797 would benefit groundfish essential fish habitat.*

- Any Federal action in EFH areas must include consultation with the National Marine Fisheries Service (NMFS), which then provides recommended conservation measures to the action agency. Further, the Council is required to comment on any Federal activities that may affect habitat, including Essential Fish Habitat, of anadromous fishery resources under its authority, which includes all waters of the West Coast EEZ north of Point Conception. *The prohibitions proposed in H.R. 5797 to protect seamounts from non-fishing impacts (e.g. oil and gas exploration and development) are more certain than the implementation of EFH Conservation Recommendations provided by the Council or NMFS through the EFH consultation process.*