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May 31, 2017

Mr. Herb Pollard, Chair  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, OR 97220

Mr. Barry Thom, Regional Administrator  
National Marine Fisheries Service  
1201 Northeast Lloyd Boulevard, Suite 1100  
Portland, OR 97232

**RE: Agenda Item B.1, Opposition to opening EFH Conservation Areas to bottom trawling**

Dear Chair Pollard, Regional Administrator Thom, and Council members:

Thank you for your continued effort to advance the protection of essential fish habitat (EFH) off the U.S. West Coast. The Pacific Fishery Management Council (Council) has long recognized that seafloor habitat protection is fundamental to maintaining vibrant groundfish fisheries, and it has a track record of leadership on this pillar of ecosystem-based management. In September 2017, the Council is tentatively scheduled to take final action on both groundfish EFH and trawl rockfish conservation area modifications. Oceana urges adoption of the Oceana et al. coastwide EFH conservation alternative, 1c. The purpose of this letter is to express opposition to 14 specific proposed EFH conservation area openings included in the range of alternatives.

Based on the presence of priority habitat features, current West Coast EFH conservation areas were designed to meet the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requirement to minimize adverse fishing impacts to the extent practicable, while identifying actions to encourage the conservation and enhancement of such habitat.<sup>1</sup> Before opening any of these closed areas to bottom trawling, the Council and NMFS must provide new information that justifies the change and shows that the opening is consistent with the statutory mandate. Without new scientific information or other persuasive explanation, EFH conservation area openings are not warranted.

EFH conservation areas should not be opened unless:

1. Existing data do not show any known priority habitats, and the proposed opening is paired with new closures that increase the net overall protection of priority habitats in the immediate vicinity; or
2. New information, like high resolution seafloor mapping and *in situ* video shows conclusively that there are no priority habitats within the area proposed for reopening.

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<sup>1</sup> 16 U.S.C. § 1853(a)(7)

Accordingly, in certain specific cases, we support minor boundary modifications based on a thorough review of available scientific information, coupled with the designation of additional EFH conservation areas in the immediate vicinity that provide an overall increase in priority habitat protection. For example, the proposed EFH conservation area modifications in the Monterey Bay National Marine Sanctuary, as described in both the collaborative and Oceana alternatives, satisfy these criteria.

We strongly oppose opening EFH conservation areas to bottom trawling where data show that priority habitat features are present. Further, very few EFH conservation areas have been fully mapped and surveyed. In most cases, there are no new data to demonstrate that current EFH conservation areas can be opened consistent with the best science and legal mandate.

Of the 27 proposed openings in 15 different EFH conservation areas contained in EFH alternatives 1b (collaborative), 1c (Oceana) and 1d (Midwater Trawlers Cooperative), we have identified 14 that should not be allowed. For each, the available information suggests that the proposed reopening risks harm to priority habitats or features, proposed adjacent closures do not provide for a net increase in priority habitat protection, or there is no new conclusive information showing priority habitats are not present. These areas are listed in the attached table.

Any conservation area openings create risk to EFH from bottom trawling. Accordingly, we urge NMFS to work with its Science Centers and scientific partners to evaluate the impacts of EFH conservation areas and trawl rockfish conservation areas that are reopened. This evaluation should include detailed surveys of the habitats and species as well as a robust scientific assessment or study of bottom trawl fishing impacts.

Thank you for your ongoing commitment to minimizing the adverse effects of fishing on EFH, while providing for vibrant West Coast fishing opportunities. We look forward to working with you as this process moves forward.

Sincerely,



Geoffrey Shester, Ph.D.  
California Campaign Director & Senior Scientist



Ben Enticknap  
Pacific Campaign Mgr. & Senior Scientist

**Attachment:** Table of proposed EFH conservation area openings opposed by Oceana.

**Table.** Oceana strongly opposes the following fourteen proposed EFH conservation area openings contained in the collaborative EFH alternative 1b, and Midwater Trawlers Cooperative EFH alternative 1d, based on existing data showing the presence of priority habitats, a resulting net loss in priority habitat conservation or because no new information is available showing conclusively that priority habitats are not present. Priority habitats include submarine canyons and gullies, hard substrates, habitat-forming invertebrates (e.g. corals, sponges, pennatulids), untrawlable areas, seamounts and the highest 20 percent habitat suitability for overfished groundfish as defined by NOAA.<sup>2</sup>

Number	Alternative	Name
1	1b	Grays Canyon Western Modification
2	1d	Shale Pile Northeast Side (Nehalem Bank)
3	1d	Daisy Bank Southeastern Modification
4	1d	Daisy Bank Western Modification
5	1b	Bandon High Spot Northern Modification
6	1b	Bandon High Spot Southern Modification
7	1b	Eel River Canyon Modification 1
8	1b	Eel River Canyon Modification 3
9	1b	Mendocino Ridge Modification 2
10	1b	Delgada Canyon
11	1b	Spanish Canyon Line Adjustment 1
12	1b	Point Arena South Modification 1
13	1b	Point Arena South Modification 4
14	1b	Cordell Bank Modification 3

<sup>2</sup> PFMC Agenda Item F.5a. EFH/RCA Project Team Report. April 2016, at 5