

COASTAL PELAGIC SPECIES ADVISORY SUBPANEL REPORT ON
CURRENT HABITAT ISSUES

Members of the Coastal Pelagic Species Advisory Subpanel (CPSAS) joined the Habitat Committee during its meeting on November 14, 2019, for a presentation by Ms. Penny Ruvelas of the National Oceanic and Atmospheric Administration's (NOAA) Protected Resources Division on the Proposed Rule to designate critical habitat for three distinct population segments (DPS) of humpback whales.

Per the critical habitat designation process under the Endangered Species Act (ESA), NOAA must identify the "physical and biological features essential for conservation" of the listed species. In the case of both the Central America and Mexico DPS, prey species (primarily krill, sardine, anchovy, and herring) have been identified as an essential feature of the whales' critical habitat. Given the overlap between these prey species and species managed by the Pacific Fishery Management Council (Council) in the CPS fishery management plan (FMP), the CPSAS is concerned about the potential for future ESA consultations regarding actions taken under the CPS FMP that could result in a reduction of CPS fisheries in order to avoid adverse modification to critical habitat.

With that concern in mind, we ask the Council to consider whether a comment letter on the Proposed Rule is appropriate to highlight the goals and objectives of the CPS FMP, which include providing adequate forage for dependent species.

Thank you for your consideration.

PFMC
11/16/2019