

Deep Sea Coral Restoration and Research

At the September 2023 meeting, the Pacific Fishery Management Council (Council) requested that the National Marine Fisheries Service (NMFS) explore the scope of the deep-sea coral discretionary regulatory authority under the Magnuson Stevens Act. Section 303(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act provides that any fishery management plan (FMP) which is prepared by any Council or the Secretary, with respect to any fishery, may:

A) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

B) designate such zones in areas where deep-sea corals are identified under section 408 [the Deep Sea Coral Research and Technology Program], to protect deep-sea corals from physical damage from fishing gear or to prevent loss or damage to such fishing gear from interactions with deep sea corals, after considering long-term sustainable uses of fishery resources in such areas. 16 U.S.C. § 1853(b)(2)(A)-(B).

Specifically, the Council requested that NMFS evaluate whether fisheries closures to minimize physical damage from fishing gear to deep-sea corals identified by the Deep Sea Coral Research and Technology Program could be applicable to all bottom contact gears. In particular, the request was focused on fisheries prosecuted in the exclusive economic zone (EEZ) that are not managed under a federal fishery management plan (FMP) [i.e. state-managed fisheries].

The areas where fishery closures to minimize physical damage from fishing gear to deep-sea corals may be developed are described in ONMS Report 1 ([Agenda Item H.2.a, September 2023](#)). At the September 2023 meeting, the Council proposed a narrow range of alternatives, focusing only on three areas within two locations (Año Nuevo and Ascension Canyon Complex and Sur Ridge) in Monterey Bay National Marine Sanctuary. As described in the staff report ([Agenda Item H.2 Attachment 1, September 2023](#)), Council staff consulted with the California Department of Fish and Wildlife on possible bottom contact state fisheries occurring in the area. Depth is the most significant driver of whether bottom contact fisheries are occurring within the possible closure areas, Table 1 summarizes the characteristics of each possible closure area.

Table 1. Characteristics of possible fishery closure areas.

Location	Area Name	Size (square nautical miles)	Depth range feet (fathoms and meters)
Sur Ridge	Sur Ridge (SR)	36.64	2,690–5,118 (448–853 fm; 820–1560 m)
Año Nuevo - Ascension Canyon Complex	Ascension Canyon (AC)	2.96	1,640–4,790 (273–798 fm; 500–1,460 m)
Año Nuevo - Ascension Canyon Complex	Año Nuevo Canyon (ANC)	6.5	1,574–4,658 (262–776 fm; 480–1,420 m)

State managed bottom contact fisheries off of California include Dungeness crab pot, California halibut trawl, hagfish pot, pink shrimp trawl, and spot prawn pot. As shown in Table 11 in [Agenda Item F.6, Attachment 1, April 2022](#), the deepest these fisheries may be prosecuted is 200 fathoms (365.76 meters), and the prime depths for each of these fisheries is quite shallower. The shallowest depth of the proposed closure areas is 262 fathoms (Año Nuevo). Therefore, there is no state-managed fishery activity potentially occurring in these areas and no demonstrated need to explore whether these proposed closures could be applied to fisheries not managed under a federal FMP.

If the Council were to expand their range of alternatives to include additional areas for potential fishery closures, NMFS may revisit this request to explore the extent of the deep-sea coral discretionary regulatory authority. At a minimum, if the Council were to request further consideration of applying closures to state-managed fisheries, the Council would first need to develop a factual record demonstrating the need, specifically spatial fishery information showing that state fisheries occur within the proposed closure area. Additionally, the Council would likely need to coordinate with the California Fish and Wildlife Commission to ensure proper consultation and public notice to potentially affected fishery participants. This could require significant time to undertake.