

HABITAT COMMITTEE REPORT ON COUNCIL RESPONSE TO EXECUTIVE ORDERS AND ADMINISTRATION UPDATES

The Habitat Committee (HC) received a briefing from Staff Officer Kerry Griffin on agenda item H.2 and provides the following comments/suggestions for Pacific Fishery Management Council (Council) consideration.

The HC notes that in the Council's draft letter to the National Marine Fisheries Service (NMFS) (H.2 Attachment 4), the second to last bullet point is focused primarily on the marine environment and development actions, as it documents the Council's continued engagement in tracking and commenting on marine planning activities to ensure that new ocean development is compatible with sustainable fisheries, fish habitat protection, and the long term competitiveness of U.S. seafood. The HC recommends strengthening this section to include additional ocean activities as well as freshwater/estuarine issues. The HC recommends incorporating the following points as follows, and provides an option for including these points into bullet 5 at the end of this HC report:

1. Explain that Council involvement is authorized by MSA provisions.
2. In addition to offshore wind energy and aquaculture, add seabed mineral exploration/mining and oil and gas development, and state that these activities can impact both fish habitats and access to important fishing areas.
3. Use the term essential fish habitat (EFH) instead of only 'fish habitat'.
4. Include examples of other large scale actions (e.g., dam/hydropower actions, port development, shore-based energy facilities, river/riparian habitat modifications) and major program changes (e.g., Forest Plan amendments, nationwide permits, mitigation policies) that could affect freshwater habitats of fishery resources under the Council's authority.
5. Explain that the MSA requires the Council to comment in certain circumstances, per MSA section 305(b)3(B):

Each Council shall comment on and make recommendations to the Secretary and any Federal or State agency concerning any such activity that, in the view of the Council, is likely to substantially affect the habitat, including essential fish habitat, of an anadromous fishery resource under its authority.

The Council might also wish to comment on how other Executive Orders and Administrative Actions (i.e., Cabinet Secretary decisions) directly conflict with E.O.14276, which will inhibit the Council's ability to restore American Seafood Competitiveness on the U.S. West Coast, particularly those that directly impact marine, estuarine and freshwater habitat of FMP species. For example, E.O. 14181, *Emergency Measures to Provide Water Resources in California and Improve Disaster Response in Certain Areas*, redirects water resources to southern California. This water redirection will directly impact salmon freshwater habitat and therefore reduce salmon populations, limiting opportunities for commercial, recreational, and Tribal salmon fisheries along the U.S. West Coast. Also, decisions to reduce/eliminate funding for climate research centers and climate scientists directly affect the ability to assess the effects of changing ocean conditions on fish stocks and develop responsive fisheries management measures.

Suggested rewrite to bullet 5 in Attachment 4:

As authorized by MSA provisions, the Pacific Council continues to review and provide comments on marine planning activities, including offshore wind energy, aquaculture, seabed mineral exploration/mining, oil/gas development and other ocean uses that can impact fish habitat and access to important fishing areas. Such engagement directly supports the objectives of the EO by ensuring that new ocean development is compatible with sustainable fisheries, essential fish habitat (EFH) protection, and the long-term competitiveness of U.S. seafood. Additionally, as mandated by MSA, the Council continues to provide comments on large-scale or substantial actions (e.g., dam/hydropower actions, port developments, shore-based energy facilities, river/riparian habitat modifications) and major program changes (e.g., Forest Plan amendments, nationwide permits, mitigation policies) that in the Council's view, could substantially affect the habitat, including essential fish habitat, of an anadromous fishery resource under its authority (i.e., Pacific salmon).

PFMC

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