

### Agenda C-3 Essential Fish Habitat Final Council Motion

The Council's adopted EFH problem statement is as follows:

The productivity of the North Pacific ecosystem is acknowledged to be among the highest in the world. The Council intends to ensure the continued sustainability of FMP species by considering additional, precautionary and reasonable management measures. Recognizing that in the North Pacific, potential changes in productivity may be caused by fluctuations in natural oceanographic conditions, fisheries, and other, non-fishing activities, the Council intends to take action in compliance with the requirements of the Magnuson-Stevens Act to protect the productivity of FMP species by considering additional measures to reduce adverse effects of fishing activities on habitat essential to managed species.

To accomplish this task, the Council will undertake an EIS analysis to:

1. Identify and designate Essential Fish Habitat,
2. Develop designation criteria for identification of Habitat Areas of Particular Concern, and
3. Consider implementation of additional management measures to minimize, to the extent practicable, adverse effects of fishing on EFH. *[Intent of Council is for those FMP species where data is available, habitat measurers should be applied of minimize effects of fishing on habitat essential to continued productivity of the managed species. ]*

Additionally, the Council adopted the EFH Committee alternatives for EFH and HAPC designations.

The Council adopted the following EFH Mitigation Alternatives modified from the Committee and AP recommendation:

**Alternative 1:** Status quo. No additional measures would be taken at this time to minimize the effects of fishing on EFH.

**Alternative 2:** Gulf Slope Bottom Trawl Closures: Prohibit the use of bottom trawls for rockfish in 13 designated areas of the GOA slope (200m-1000m), but allow vessels endorsed for trawl gear to fish for rockfish in these areas with fixed gear or pelagic trawl gear.

**Alternative 3:** Bottom Trawl Gear Prohibition for GOA Slope Rockfish on upper slope area (200-1,000m). Prohibit the use of bottom trawl gear for targeting GOA slope rockfish species on upper slope area (200-1000m), but allow vessels endorsed for trawl gear to fish for slope rockfish with fixed gear or pelagic trawl gear.

**Alternative 4:** Bottom Trawl Closures in All Management Areas: Prohibit the use of bottom trawl gear in designated areas of the Bering Sea, Aleutian Islands, and Gulf of Alaska. Bottom trawl gear used in the remaining open areas would be required to have disks/bobbins on trawl sweeps and footropes.

Bering Sea: Prohibit the use of bottom trawl gear for all groundfish fisheries in the Bering Sea except within a designated "open" area. The open area is designated based on historic bottom trawl effort. Within the open area, there would be a rotating closure to bottom trawl gear in 5 areas to the west, north and northwest of the Pribilof Islands. Closure areas would be designated in Blocks 1,2,3,4 and

6 as identified by the EFH Committee, with 4 year closed periods for 20% of each block. After 4 years, the closed portion of each block would re-open, and a different 20% of each block would close for 4 years, and so on thereafter. After 16 years, all area within each block would have been subject to a 4 year closure, and the rotating closure areas would start over.

Aleutian Islands: Prohibit the use of bottom trawl gear for all groundfish fisheries in designated areas of the Aleutian Islands. Closure areas would be designated in the areas of Stalemate Bank, Bowers Ridge, Seguam Foraging Area, and Semisopochnoi Island.

Gulf of Alaska: Prohibit the use of bottom trawl gear for rockfish fisheries on 13 designated sites of the GOA slope (200m-1000m). Allow vessels endorsed for trawl gear to fish for rockfish in these areas with fixed gear or pelagic trawl gear.

**Alternative 5: Expanded Bottom Trawl Closures in All Management Areas**: Prohibit the use of bottom trawl gear in designated areas of the Bering Sea, Aleutian Islands, and Gulf of Alaska. Bottom trawl gear used in the remaining open areas would be required to have disks/bobbins on trawl sweeps and footropes.

Bering Sea: Prohibit the use of bottom trawl gear for all groundfish fisheries in the Bering Sea except within a designated “open” area. The open area is designated based on historic bottom trawl effort. Within the open area, there would be a rotating closure to bottom trawl gear in 5 areas to the west, north and northwest of the Pribilof Islands. Closure areas would be designated in Blocks 1,2,3,4 and 6 as identified by the EFH Committee. These five blocks will be subdivided into three equal strips, two strips of each block are closed for a 4 year period, for a 33 1/3 % closure of each block. After 4 years, the closed area would re-open, and the next 33 1/3 % area of each block would close for 4 years, and so on thereafter.

Aleutian Islands: Prohibit the use of bottom trawl gear for all groundfish fisheries in designated areas of the Aleutian Islands. Closure areas would be designated in the areas of Stalemate Bank, Bowers Ridge, Seguam Foraging Area, Yunaska Island, and Semisopochnoi Island. These closure areas extend to the northern and southern boundaries of the AI management unit.

Suboption for Aleutian Islands: Oceana’s Aleutian Seafloor Habitat Protection Alternative dated Dec. 6, 2002

Close areas to bottom trawling that have high coral and sponge bycatch rates and low target species CPUE and reduce TAC by amount that historically came from that those. No expansion of bottom trawl fisheries to new areas. Institute area-specific coral/ sponge bycatch limits that close specific areas if exceeded. If implemented it would include the following actions:

Expand observer coverage to 100%, utilize the CADRES program, and require each vessel to have VMS.

Additionally the proposal requests a comprehensive plan for research and monitoring that would include: Seafloor mapping, benthic research, and habitat impacts of all bottom tending gears, annual habitat assessment reports, experimental fishing permits to identify additional open areas.

Gulf of Alaska: Prohibit the use of bottom trawl gear for all groundfish fisheries on 11 designated sites of the GOA slope (200m-1000m). Additionally, prohibit the use of bottom trawl gear for targeting GOA slope rockfish species, but allow vessels endorsed for trawl gear to fish for rockfish in these areas with fixed gear or pelagic trawl gear.

## **Alternative 6: Closures to All Bottom Tending Gear**

Prohibit the use of all bottom tending gear (dredges, bottom trawls, pelagic trawls that contact the bottom, longlines, and pots) within approximately 20% of the fishable waters (i.e., 20% of the waters shallower than 1,000m) in each of the regions described below.

Gulf of Alaska: The Gulf of Alaska would be subdivided into 3 regions: Western (corresponding to regulatory area 610), Central (areas (620 and 630), and Eastern ( areas 640 and 650).

Aleutian Islands: The Aleutian Islands would be subdivided into 4 regions: Western (corresponding to regulatory area 543), Central (area 542), Eastern (area 541), and two smaller Bering Sea regulatory areas adjacent to the Aleutians ( combination of areas 518 and 519).

Bering Sea: The Bering Sea would be subdivided into 3 regions south of St. Lawrence Island denoting each of the predominant substrate types (sand, sand/mud, and mud) and taking into consideration the varying depth distribution of each substrate.

The closed areas would be identified based on the presence of habitat such as high relief coral, sponges, and *Boltenia*, with emphasis on areas with notable benthic structure and / or high concentrations of benthic invertebrates that provide shelter for managed species. The closed areas would include a mix of relatively undisturbed habitats and habitats that currently are fished. Within a given region, existing area closures could comprise all or a portion of the closed areas for this alternative.

- In addition:
- a) Consider the relative advantages to EFH of rationalization programs.
  - b) Each mitigation alternative shall have an experimental model developed to accomplish monitoring and research. Team EFH will be tasked to evaluate these experimental models.
  - c) The Council requests the NPRB to call for proposals and fund research that evaluates the recovery time and habitat recovery process within the Bering Sea rotating areas (i.e. – is three years more than sufficient for recovery?)
  - d) The Council requests the Joint BOF/Council committee to develop a shared process that sets up stakeholder meetings to facilitate coordinated BOF/Council evaluation of HAPC and MPA.
  - e) The Council directs staff in the EIS to compare all of the alternatives to a scenario (baseline) that includes status quo conditions absent all area closures, effort reduction, gear measures and rationalization programs.

The following points should be included/addressed in the EIS as practicable:

1. Clarification that task of EFH mitigation measures is to reduce habitat degradation that has or has the high probability of negatively impacting the productivity of FMP species.
2. An assessment of the productivity of the FMP species using the SAFE documents and other available information,
3. Information or evidence linking any adverse effects on the productivity of the FMP species to fishing.
4. Evidence that the proposed mitigation measures will properly mitigate specific adverse impacts to FMP species.
5. An assessment of the level of certainty of information used to determine adverse impacts, linkages to fishing and effectiveness of proposed measures to mitigate specific adverse effect.
6. A cost benefit analysis to determine the “*practicability and consequences*” of adopting proposed mitigation measures. This should also include an assessment of unintended consequences such as increased bycatch and bycatch-triggered closures.

7. An assessment of the costs and benefits of measures already imposed to protect the FMP species including the Bering Sea crab and Pribilof habitat closure areas, salmon, herring, walrus and Steller sea lion closures, and similar closures in the GOA including the Eastern GOA trawl closure and the Mt. Edgecomb Pinnacles and any other closed areas that restrict impact on local habitat.
8. The two million metric ton cap in the BSAI should also be factored in as an existing mitigation measure since the proposed alternatives recommend that TAC reductions should accompany area closures to further protect habitat by reducing fishing effort.
9. A table that compares the proposed mitigation measures, any adverse impacts to FMP species, certainty of scientific information used to determine adverse impact, projected effectiveness and cost of measures to coastal communities and industry participants and projected unintended consequences.
10. An evaluation and comparison of each alternative to the requirements of the National Standards.

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### **Other Recommendations**

1. If sea lion closed areas in the Bering Sea and Aleutian Islands are removed in the future, the Council will initiate an amendment to consider whether “Habitat Areas of Particular Concern” and associated measures should be developed for some or all these areas before they are opened.
2. Council concurs with the EFH Committee that the Old Alternative 5 (closure areas for all bottom tending gear in areas with gorgonian corals, sponges, and sea onions, from the October 2002 motion) be a starting point for identifying HAPC, once the Council and Committee have adopted a HAPC process.
3. Scallop and Aleutian Islands longline crab fisheries will be considered more thoroughly under HAPC.
4. Attempt to incorporate the SSCs comments to the extent possible.