

Monterey Bay National Marine Sanctuary
Sanctuary Advisory Council Materials
Revised February 23, 2012

Sanctuary Engagement in Essential Fish Habitat Review

Background

The Monterey Bay National Marine Sanctuary (MBNMS) Ecosystem-based Management (EBM) Initiative is designed to advance management goals with the understanding that (1) sanctuary resources are special by their very designation and are expected to be managed accordingly; (2) sanctuary resources are inter-related and best managed holistically; and (3) well-coordinated management across many local, state, and federal agencies is needed not only to provide for a higher level of resource protection, but also to ensure viability of uses and activities that are compatible and sustainable.

Fishing in the sanctuary is managed by multiple agencies and is best understood in an ecosystem context. The 2008 Management Plan for the MBNMS speaks to the importance of understanding the effects of fishing, particularly bottom trawling impacts on benthic habitats, and contains other benthic habitat-related Action Plans addressing the Davidson Seamount, marine protected areas, sea floor characterization, associated education, collaborative research, and conservation planning.

MBNMS relies on the National Marine Fisheries Service (NMFS) and the California Department of Fish and Game (CDFG) for fishery management in the sanctuary. Over the past decade, NMFS, the Pacific Fishery Management Council (PFMC), and the State of California have applied various fisheries management tools in MBNMS waters. These were created largely because of historical overfishing and the need to rebuild certain fish stocks, ensure productivity of fish habitat, and protect federally-listed endangered species. Many areas within the sanctuary are managed with specific restrictions on the use of bottom trawls and other bottom contact gear in State waters and PFMC-designated Essential Fish Habitat (EFH) and Rockfish Conservation Areas (RCAs). (Please see the attached map.)

Existing fisheries management agencies, such as NMFS and CDFG, are primarily concerned with the regulation and management of fish stocks for healthy fisheries. In contrast, the sanctuary has a different and broader mandate under the National Marine Sanctuaries Act (NMSA) to protect all sanctuary resources on an ecosystem-wide basis. MBNMS's mandate is to be complementary to, and not redundant with, existing fisheries management authorities. NOAA policy is clear regarding sanctuary actions that may affect fishing. Since its designation, whenever any proposed action to protect the health of the ecosystem directly or indirectly affects fishing, MBNMS has followed a prescribed process for coordination with fishery management agencies. MBNMS first consults with the State, PFMC, and NMFS, as well as the industry to determine an appropriate course of action. The NMSA requires that the PFMC be provided with the opportunity to draft regulations. In addition, the NOAA Interagency

Memorandum of Understanding ensures that NMFS has a major role in the development of any fishing regulations in the sanctuary.

Essential Fish Habitat (EFH) on the West Coast

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) defines EFH as “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.” In January 2002, NMFS issued a final rule that established guidelines to assist the Regional Fishery Management Councils and the Secretary of Commerce in the description and identification of EFH in fishery management plans, the identification of adverse effects to EFH, and the identification of actions required to conserve and enhance EFH.

In November of 2005, the PFMC amended its groundfish fishery management plan (FMP) to designate EFH for groundfish on the west coast, including areas within MBNMS. The groundfish FMP includes over 90 different species that, with a few exceptions, live on or near the bottom of the ocean. These are made up of rockfish, flatfish, roundfish (such as lingcod), sharks, skates and other species. The PFMC is currently considering whether there is sufficient new information to request proposals leading to possible changes in the EFH designations (see below).

Along the West Coast, NMFS and the PFMC considered fishing gear restrictions and area closures as the primary tools for minimizing adverse effects to EFH. These measures directly control both the type of impact, based on allowed gear type, and where impacts may occur, based on area restrictions. Gear types were ranked for their potential to have adverse effects in the following order: (1) bottom-tending mobile gear types (e.g., bottom trawl in which the otter boards or the footrope of the net are in contact with the seabed) and (2) other gears that contact the bottom. Gear types that do not contact the bottom were not prioritized for EFH.

Pristine benthic habitat was identified in the EFH designations, with an emphasis on biogenic habitat (e.g., deep sea corals). Deep sea corals and sponges are considered important because of their role in creating habitat for various fish life stages, and because they are extremely slow growing and thus very slow to recover from disturbance. Hard bottom habitat was also prioritized due to its potential ecological complexity and sensitivity to impact.

In addition to describing EFH and designating EFH Conservation Areas and Habitat Areas of Particular Concern, the Council also adopted measures to mitigate the adverse impacts of fishing on groundfish EFH. Principal among these are implementation of management areas to protect sensitive habitats. Within areas designated as EFH, there are three types of areas that are closed to certain types of fishing gear:

- There are bottom trawl closed areas, such as the deeper portions of Monterey Canyon, which are closed to all types of bottom trawl fishing gear except demersal seine.

- There are bottom contact closed areas that are closed to all types of gear intended to make contact with bottom during fishing operations, as well as gear deployed deeper than 500 fathoms. The Davidson Seamount is the only EFH bottom contact closed area designated within MBNMS.
- The bottom trawl footprint closure areas prohibit trawling in the Exclusive Economic Zone (EEZ) between depths of 1,280 and 3,500 meters, which is the outer extent of groundfish EFH. This covers a considerable portion of the deeper waters of the sanctuary.

Please see the attached map for details.

Essential Fish Habitat Review

The PFMC is currently considering whether there is sufficient new information to request proposals leading to possible changes in the groundfish EFH designations. The PFMC's EFH Review Committee has been meeting over the past two years to discuss the scope of data available to the EFH review process and ways to address data gaps. West coast sanctuary staff participate on the review committee. In 2011 the PFMC requested that any new data be submitted for consideration. The PFMC will soon release a report of those new data that better indicates where trawling is occurring and identifies areas with sensitive habitat that were not protected in the 2005 EFH designations. In April, 2012, the PFMC will meet to decide whether to entertain proposals that could result in amendments modifying the EFH designations in the groundfish Fishery Management Plan (FMP). If proposals are requested, they would likely be due in June, 2012. The PFMC would then consider any proposals or other correspondence to determine whether EFH changes might be warranted. If so, it is likely the PFMC would begin a process of up to two years considering the merits of proposals and how they might result in amendments to the groundfish FMP.

MBNMS Interest in the EFH Review Process

A number of Action Plans in the MBNMS Management Plan identify sanctuary priorities that can be at least partially addressed by working with NMFS and the PFMC through the EFH review process. Primary among these are the Action Plans for Bottom Trawling Effects on Benthic Habitats and Marine Protected Areas. These Action Plans are the result of many years of consultation with the Sanctuary Advisory Council and stakeholders, and have benefited from a large volume of public comment.

The Ecosystem-based Management Initiative promotes a collaborative approach to working with agencies on processes such as EFH review. A fundamental principle of ecosystem-based management is coordination among agencies to achieve multiple objectives in protecting complex ecosystems. The EFH review process provides an opportunity to achieve success with respect to each of the four goals of the EBM Initiative:

1. Maintain and/or restore marine ecosystem health, services and function;
2. Ensure protection of unique and rare features;
3. Facilitate research to differentiate between natural variation and human impacts;
4. Facilitate ecologically and economically sustainable uses, including fisheries.

(1) The goal of maintaining ecosystem health is in alignment with PFMC mandate under the Sustainable Fisheries Act, which requires fishery management plans to “describe and identify essential fish habitat..., minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat” (MSA §303(a)(7)).

(2) The NMFS and PFMC prioritization of hard bottom and biogenic habitat, including that formed by deep sea corals and sponges, is an opportunity to provide protection for unique and rare benthic features in the sanctuary. A major theme arising from the MBNMS Unique and Rare Features Workshop (May, 2011) was to identify features that contribute disproportionately to ecosystem health, biodiversity and productivity, a goal echoed by PFMC concern for the role of these habitats in fish production.

(3) MBNMS has asked for advice from its Research Activities Panel about whether and how the EFH process can contribute to the establishment or accommodation of areas needed for research. It is not known whether the PFMC would consider the needs of specific studies, but preservation of undisturbed reference areas is a sanctuary interest that may be advanced through the EFH review.

(4) The fourth EBM Initiative goal of facilitating sustainable uses is clearly affected by PFMC decisions on EFH. The sanctuary’s interest is to make progress on its research and resource protection goals without negatively affecting fishing industry revenue. Data sets on benthic habitat are available from a number of sources, and MBNMS has gathered this information for many years. Information on fishing industry values related to EFH is only partially available in public data sets. MBNMS and ultimately the PFMC will need additional information about areas and techniques that must remain open to the trawl fleet for the continued viability of the industry.

MBNMS Approach to EFH Review

Since the inception of the EBM Initiative more than two years ago, MBNMS has shared its intention to engage in the EFH review process. MBNMS will communicate its priorities and local knowledge to NMFS and the PFMC. MBNMS will submit written comments, maps, and other information to make the most of this opportunity, based on its overall approach of protecting benthic habitat and remarkable features without reducing revenues for the affected fishing industry. MBNMS staff continues to gather information from the PFMC, the scientific community, the Sanctuary Advisory Council and stakeholders (see below). While a substantial

amount of this information has been gathered, there are gaps, particularly with respect to fishing fleet valuation of areas that are or may be affected by EFH. MBNMS will consider the effects of fishery quotas, advances in fishing gear, and the locations of benthic features and fishing effort. A major part of the evaluation will be geographic information system (GIS) analyses to identify areas according to their conservation and fishing values.

Input from the Sanctuary Advisory Council and Constituents

MBNMS would like to gather input from sanctuary constituents to include in its analyses and communications with the PFMC. MBNMS requests that Advisory Council members and the communities they represent provide input for this process so that their interests are well represented. Specifically, staff would like additional information on:

- locations of benthic habitat essential to groundfish species
- locations of benthic habitat that are unique, rare, remarkable
- locations of areas that are currently or historically of interest to bottom contact gear fisheries, and their relative value
- any constraints to specific fisheries (e.g., ITQ, fuel costs) as they relate to EFH, and opportunities for promoting additional sustainable fisheries (e.g., market availability)
- locations necessary for research that may be affected by EFH regulations

As stated earlier, MBNMS staff have already been gathering and analyzing this information as part of related efforts guided by the sanctuary Management Plan and through the EBM Initiative process. There may, however, be additional information not yet captured. To gather this information, MBNMS will conduct additional outreach in at least two stages.

In the first stage, staff will receive information and participate in meetings with stakeholders through March 22, 2012. Staff asks that Advisory Council members distribute this briefing document and the attached information request to interested constituents. Advisory Council members or constituents may send written materials to MBNMS (rikki.dunsmore@noaa.gov). MBNMS staff can also schedule small group meetings to receive information and to present the information we have and the approach we are pursuing. MBNMS appreciates the meetings held to date, and looks forward to continuing these discussions. MBNMS will also host an open house March 20th from 3:00 – 8:00 p.m. At this event sanctuary staff will be available to meet with stakeholders to discuss their interests and knowledge related to the EFH review process. Staff will be happy to discuss the information already available or answer questions stakeholders may have about the EFH review process.

After the first stage of stakeholder input closes on March 22, staff will incorporate new information into analyses to be presented at the April 19th Sanctuary Advisory Council meeting. The second stage for related input will be discussed at that Advisory Council meeting and will

be designed to get Advisory Council and stakeholder input on the results of the analyses. Details on stakeholder input beyond that point will depend on how PFMC moves forward with EFH review, but will most likely include another opportunity for comment on MBNMS input to the review process.

The SAC Conservation Working Group has identified benthic habitat protection as one of its three focal areas, and has discussed engagement with the EFH process. MBNMS staff will seek the assistance of the CWG to alert its constituents and others in the conservation community to the availability of MBNMS briefing materials and opportunities to meet. Staff will also continue to solicit input from the Research Activities Panel and the scientific community.

We encourage all members of the Sanctuary Advisory Council to get the word out to any constituents who might have information to share or wish to be made aware of this process. Information can be submitted in writing to Rikki Dunsmore (rikki.dunsmore@noaa.gov) by March 22.

As staff continues this important phase of information gathering for this element of the EBM Initiative, we appreciate your assistance in making the most of this opportunity to meet our responsibilities for the Monterey Bay National Marine Sanctuary.

