

M E M O R A N D U M

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke  
Executive Director



DATE: June 17, 1988

SUBJECT: NMFS Habitat Policy

ACTION REQUIRED

Review and approve policy for public review.

BACKGROUND

Nancy Goell from the NMFS Office of Protected Species and Habitat Conservation will review the NMFS Habitat Policy and answer questions. The Council should review the policy and approve it for public review. A copy of the policy was mailed to you in the June 2 Council mailing.

C-4

SUPPLEMENTAL

draft (June 13, 1988)

Proposed Habitat Policy

Recognizing that all species are dependent on the quantity and quality of their essential habitats, it is the policy of the North Pacific Fishery Management Council to:

Conserve, restore, and develop habitats upon which commercial and recreational marine fisheries depend, to increase their extent and to improve their productive capacity for the benefit of present and future generations. (For purposes of this policy, habitat is defined to include all those things physical, chemical, and biological that are necessary to the productivity of the species being managed.)

This policy shall be supported by three policy objectives which are to:

- (1) Maintain the current quantity and productive capacity of habitats supporting important commercial and recreational fisheries, including their food base. (This objective will be implemented using a guiding principle

subistence \*  
Suggested by SSC

of NO NET HABITAT LOSS).

- (2) Restore and rehabilitate the productive capacity of habitats which have already been degraded.
- (3) Create and develop productive habitats where increased fishery productivity will benefit society.

The Council shall assume an aggressive role in the protection and enhancement of habitats important to marine and anadromous fish. It shall actively enter Federal decision-making processes where proposed actions may otherwise compromise the productivity of fishery resources of concern to the Council.

### Council Habitat Responsibilities

The Council, through its Habitat Committee, will assist in the development of each fishery management plan to insure that:

(1) Habitat significant to the species to be managed as well as its prey, where information is available, is adequately defined in the plan, and

(2) The most recent and substantive information regarding habitat considerations and issues is incorporated into the fishery management plan at the earliest possible stage of the plan.

(3) Recommendations to responsible agencies are included in the plan which identify habitat improvement or changes in Federal policies, which are necessary to achieve the objectives of the plan.

The Habitat Committee will review those proposed habitat alterations, policy, or other human actions which may have a significant adverse impact on those fisheries addressed in the Council's plans and under the authority of the MFCMA. After review of such proposals and finding that adverse impacts will occur, the Committee may file or present the Council's position

to the Federal agency(s) responsible for the action which could (1) oppose the proposed action, (2) suggest project modifications, or (3) seek full compensation for unavoidable fishery losses.

The Council may also recommend changes in the Federal statutes and their implementing regulation to protect marine fishery resources and their habitats in water development projects and policy.

## Guidelines

As a guide for determining the need for Council involvement, the Habitat Committee and the Council staff will consider the following:

(1) The extent to which the activity could directly affect the production of fishery resources or their essential food base (e.g., as a result of dredging, wetland filling, pollution loading, restricting access, etc.);

(2) The extent to which the activity could affect the accessibility of fishery resources;

(3) The extent to which precedent would be set in relation to existing or potential cumulative impacts of similar or other developments in the project area;

(4) The existence of alternative sites lower in productivity, ecological importance, or fisheries related conflicts than associated with the proposed project location;

(5) The extent to which the activity could indirectly affect the production of fishery resources (e.g., alteration of circulation, salinity regimes, detrital or nutrient export, etc.);

(6) The extent to which any adverse impact can be avoided through project modification(s) or other safeguards (e.g., piling support instead of fill, and construction timing windows);

(7) The extent to which the activity requires a waterfront location if dredging or filling of coastal wetlands is involved.

### Project Review Process

(1) Information on proposed Federal projects or actions will be received by the Council staff from several sources. For example, the National Marine Fisheries Service (NMFS), Alaska Region, shall forward the Council staff copies of public notices of significant projects proposed for federal authorization or proposed Federal policy. NMFS shall also provide special briefings, NMFS position statements, and other appropriate support as needed. Also, the Council staff may request and will receive information from other State and Federal agencies, the private sector, and special interest groups.

(2) Information (including public notices) received and screened by the Council staff will be forwarded to the Habitat Committee.

(3) Significant projects shall be selected by the Habitat Committee for Council consideration if:

(a) The Habitat Committee concludes that a proposed Federal action or project may have significant fishery related impacts; or

(b) The Council or Council staff notifies the Habitat Committee of a Federal action or project they deem significant and deserving formal Council consideration.



(4) The Habitat Committee shall develop a draft Council position and forward it to the Council for their action. The following are examples of appropriate Council actions:

(a) The Council shall object to proposed Federal projects or actions that could have significant adverse effects on fisheries for which the Council has management responsibility. The Council shall convey their objections, concerns, and recommendations directly to the appropriate Federal regulatory agency.

(b) The Council staff or members may testify at public hearings, as needed.

(c) The Council may hold public hearings, as appropriate.

(5) The Habitat Committee shall report on its actions, at Council meeting as needed.

Criteria to Define Significant Projects

Significant projects could include:

(1) Projects that may directly affect (e.g., catch, marketability, management options, etc.) fisheries or habitat for which the Council has a management or research interest;

(2) Projects which could affect habitat important to species managed under the MFCMA, or habitat important to species upon which managed species are dependent for food;

(3) Projects that may be precedent-setting, highly controversial, or proposed in unique or critical habitat areas;

and

(4) Projects that could have a substantial indirect impact on water circulation patterns, nutrient production and export, saltwater intrusion, freshwater inflow, availability of nursery areas, migration corridors, and overwintering areas, etc.

### Criteria to Define Significant Projects

Significant projects could include:

(1) Projects that may directly affect (e.g., catch, marketability, management options, etc.) fisheries or habitat for which the Council has a management or research interest;

(2) Projects which could affect habitat important to species managed under the MFCMA, or habitat important to species upon which managed species are dependent for food;

(3) Projects that may be precedent-setting, highly controversial, or proposed in unique or critical habitat areas; and

(4) Projects that could have a substantial indirect impact on water circulation patterns, nutrient production and export, saltwater intrusion; freshwater inflow, availability of nursery areas, migration corridors, and overwintering areas, etc.