



EFH

Sustainable Fisheries Act—1996

Council takes no action

Lawsuit forces full consideration of alternatives - 2000

National Science Foundation report on trawling and dredging - 2002

FOIA requests forces data disclosure -2003

Programmatic

EISs prepared for BSAI and AI—late 1970s

Steller sea lion litigation—1998

Court forces NEPA compliance -1999

PSEIS—2004

### Vision:

Healthy, biodiverse, resilient Ecosystems that:  
(1) are managed using a broad, precautionary, transparent, and inclusive process that is based on sound science, accounts for changing conditions, and mitigates threats; and (2) provide opportunities for vibrant sustainable fisheries, the subsistence way of life, undisturbed habitat and designations for a National Fisheries/Food Security Areas.

### EBM Goals of the NPFMC (Witherell 1997):

1. Maintain biodiversity consistent with natural evolutionary and ecological processes, including dynamic change and variability
2. Maintain and restore habitats essential for fish and their prey
3. Maintain system sustainability and sustainable yields for human consumption and non-extractive uses
4. Maintain the concept that humans are components of the ecosystem

## Objective – Comply with the Law:

The Magnuson-Stevens Act requires Fishery Management Plans (FMPs) 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.” 16 U.S.C. § 1853(7).

The addition of this obligation to further “[t]he long-term protection of essential fish habitat (EFH)” was “[o]ne of the main thrusts of” 1996 amendments to the statute.

*American Oceans Campaign v. Daley*, 183 F.Supp.2d 1, 6 (D.D.C. 2000).

EFH regulations define “**Healthy ecosystem**” as “an ecosystem where ecological productive capacity is maintained, diversity of the flora and fauna is preserved, and the ecosystem retains the ability to regulate itself. Such an ecosystem should be similar to comparable, undisturbed ecosystems with regard to standing crop, productivity, nutrient dynamics, trophic structure, species richness, stability, resilience, contamination levels, and the frequency of diseased organisms.” 50 C.F. R. § 50 C.F.R. § 600.810(a).

## Corals and Sponges are EFH

The North Pacific Fishery Management Council and National Marine Fisheries Service have repeatedly recognized that sponges, in addition to coral and other features, constitutes EFH.

The areas currently identified and protected as EFH include important coral and sponge habitat. For example, in the PSEIS and EFH EIS, *e.g.*, EFH EIS at 2-58 (describing the preferred alternative designed to “reduce the effects of fishing on corals, sponges, and hard bottom habitats”).

## Strategy: Application of Science

The EFH regulations specifically identify “consider[ation] of the establishment of research closure areas or other measures to evaluate the impacts of fishing activities on EFH” during the fisheries evaluation. 50 C.F.R. § 600.815(a)(2)(i).

## Scientific Research Closure Strategy:

- A. Conservation and Research closures to Non-fishing activities
- B. Research closures for Gear modification research to reduce fishing impacts
- C. Restoration closures to observe the ecological succession of recovery of the structure and composition of communities of the Bering Sea slope/shelf break and the effect on other species



