

IN FOCUS: ESSENTIAL FISH HABITAT

RAY *of* HOPE

Successes and Shortcomings in
Protecting Essential Fish Habitat



Executive Summary

Fish need habitat to survive; it provides food, shelter, and places to reproduce. Numerous scientific studies have demonstrated, however, that many common fishing gears damage critical fish habitat, which can lead to declines in fish populations. Bottom trawls and dredges dragged along the seafloor damage habitat by scraping up coral, submerged aquatic plants, and rocks in their path. Gillnets, traps, longlines, and other gears can also snag these seafloor structures and cause significant damage.

As American seafood consumption continues to rise, we will need a strong and productive fishing industry to support this growing demand. Scientific studies have shown, however, that certain fishing gear should be restricted in sensitive habitat areas to ensure that fish populations continue to thrive.

Congress recognized the importance of fish habitat and the threats posed by certain fishing practices when it passed the Sustainable Fisheries Act in 1996 and first required the regional fishery management councils to describe, identify, and protect “essential fish habitat” for all federally managed fish. Most importantly, the Sustainable Fisheries Act required councils to minimize, to the extent practicable, any adverse impacts of fishing on essential fish habitat. To do so, councils must assess the negative impacts of all fishing gear used in their regions and consider practicable alternatives that are less destructive to fish habitat.



Smallmouth Grunts in coral habitat.

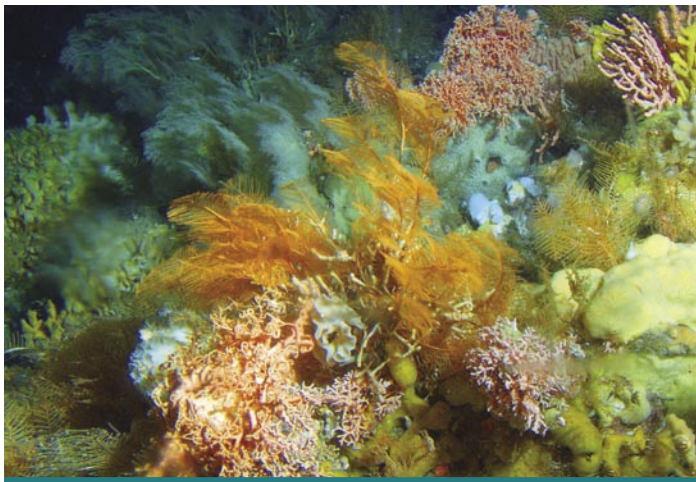
Generally, from the years 1996-2001, the councils identified essential fish habitat broadly, but took few new actions to protect it. Instead, they relied on existing management measures to protect essential fish habitat. In 2000, a federal court found that the National Marine Fisheries Service, the federal agency that oversees fisheries management in the oceans off our coasts, had violated the National Environmental Policy Act for approving five councils’ essential fish habitat amendments that did not consider a full range of alternatives to minimize negative fishing-related impacts. In a subsequent settlement agreement, the government agreed to develop new environmental impact statements that thoroughly evaluated the adverse effects of fishing on essential fish habitat and regulate damaging fishing practices as appropriate. Without the National Environmental Policy Act’s requirements for full analysis, it is unlikely that the National Marine Fisheries Service or the councils would have undertaken new actions to protect essential fish habitat.

Since 2001, most of the councils have enacted limited protections to minimize the adverse impacts of fishing on essential fish habitat. Recent council actions to protect essential fish habitat are a significant improvement over past inaction. However, some councils continue to use several tactics to avoid enacting adequate essential fish habitat protections. These include:

- ***Hiding behind scientific uncertainty.*** Fishery managers will often require site specific or quantifiable information on the environmental impacts of fishing practices and proposed solutions before taking action. This tactic flies in the face of scientific warnings to take a precautionary approach to management and often delays necessary habitat protections. With the precautionary approach, fishery managers apply the best available science, but a lack of full scientific certainty does not postpone action when threats of serious or irreversible damage exist. The U.S. Commission on Ocean Policy recommended using a precautionary approach in all ocean management.
- ***Maintaining that existing management measures are sufficient.*** While some measures recently adopted to minimize overfishing, such as

reducing fishing effort, can help protect habitat as well, some councils rely too heavily on these measures and neglect other critical tools for protecting habitat such as closed areas and gear modifications specifically designed for habitat protection.

- **Prohibiting gear where it currently is not a threat.** Certain councils should be commended for their proactive and precautionary efforts to limit the footprint of damaging fishing gear in sensitive habitats and for recognizing that prevention is easier than recovery. These types of measures, however, do little to protect essential fish habitat currently impacted by damaging fishing gear.
- **Providing some protection for the most vulnerable habitat types, but ignoring other important areas.** Recent protections for essential fish habitat reflect growing scientific recognition of the importance of coral reefs, deepwater corals, and hard bottom surfaces. Other habitat types, such as gravel bottoms, however, are important to a variety of managed species, but they receive little or no protection.



Deep water habitat, Alaska.

Ten years after the passage of the Sustainable Fisheries Act, protections for essential fish habitat from harmful fishing practices remain inadequate. Recent council actions to protect essential fish habitat are an improvement over past inaction, but they still fall short of what is required to protect our nation's fish. Councils need to move beyond adopting the easiest and most obvious measures, and provide the thorough levels of protection needed for sustaining fish populations for future generations.

The South Atlantic Council is the primary exception to these trends, adopting essential fish habitat protections in all its managed fisheries and taking meaningful steps towards an ecosystem-based approach to management. Its actions are evidence that the essential fish habitat provisions of the Sustainable Fisheries Act are a workable and valuable tool for protecting fish habitat in U.S. waters. The essential fish habitat provisions must remain a central component of U.S. fisheries management into the future to ensure that other councils move forward with adequate levels of protection.

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