Council Policy on Impacts of Fishing Activities on Fish Habitat

Preamble

Habitat plays an essential role in the reproduction, growth, and sustainability of important commercial and recreational fish species in the Mid-Atlantic. It is also essential to the biodiversity of marine and coastal ecosystems. Fish habitat is included in federal fisheries law as Essential Fish Habitat, which is defined as "those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity.[1]"

The Mid-Atlantic Fishery Management Council is responsible for the management of thirteen species of fish and shellfish in federal, offshore waters of the Exclusive Economic Zone. Most of these managed resources also have strong nearshore and coastal linkages to habitat.

A variety of human activities have contributed to the degradation or destruction of these important estuarine and marine fish habitats, including coastal development, land-based pollution, dredging, sand mining, invasive species, dams and other blockages that restrict the movement of migratory fish species, and changes in the volume and delivery of freshwater to estuaries. In addition, climate change and growing demands for new ocean-based energy sources have the potential to cause wide-ranging impacts on fish habitat. Once habitat is damaged or lost, it is difficult and costly to recover.

Fishing activities within the Greater Atlantic region (i.e., Northeast region, including the Mid-Atlantic and New England waters) and throughout the species ranges also have the potential to impact fish habitat and the productivity of the Council's managed fishery resources,[2] other federally-managed fish resources,[3] state-managed fish resources,[4] and the forage on which these fish rely. The Council, in conjunction with the National Marine Fisheries Service (NMFS), has the authority to address impacts of fishery operations on fish habitat through the management and regulatory process, and through cooperation with other management organizations (e.g. State agencies, US Fish and Wildlife Service). Coordination of authorities to protect habitat from fishing activities is a difficult and complex task.

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[1] 16 U.S.C. 1802 Sec 3(10).

[2] Mid-Atlantic Council managed stocks: Atlantic mackerel, black sea bass, Atlantic bluefish, butterfish, shortfin squid (*Illex*), longfin squid (*Loligo*), ocean quahogs, scup, spiny dogfish, summer flounder, Atlantic surfclams, golden tilefish, and monkfish.

[3] Other Federally-managed fish stocks: American lobster, Atlantic herring, Atlantic salmon, Atlantic sea scallop, Atlantic sturgeon, shortnose sturgeon, red crab, river herrings, skates, whiting and other hakes, cod, haddock, yellowtail flounder, pollock, plaice, witch flounder, white hake, windowpane flounder, Atlantic halibut, winter flounder, redfish, Atlantic wolffish, and ocean pout (http://www.nefmc.org), highly migratory species such as tunas, sharks, swordfishes, and billfishes (http://www.nmfs.noaa.gov/sfa/hms/), as well as other southern Atlantic fish species (http://www.safmc.net).

[4] For lists of state managed fish stocks, see http://www.asmfc.org.

The Council's Strategic Plan recognizes the importance of fish habitat to the Council's goal of sustainable fisheries and includes the following strategies related to impacts of fishing activity on habitat:

- Determine and incorporate the relationship between essential fish habitat and productivity of marine resources into management decisions.
- Develop management approaches that minimize adverse ecosystem impacts.

In addition, the Council has developed and begun to implement Ecosystem Approaches to Fisheries Management (EAFM) that complements other habitat actions including:

- Policies on Fishing Activities that Impact Fish Habitat
- Policies on Non-Fishing Activities and Projects that Impact Fish Habitat
- Deep Sea Corals Amendment to the Mackerel, Squid, and Butterfish Fishery Management Plan (FMP)
- Unmanaged Forage Fish Amendment
- Essential Fish Habitat Reviews

Policy

This policy will ensure that changes to fishery management plans incorporate effective approaches to managing the impact of fishing on sensitive fish habitat areas. In addition, the policy will assist Council committees in considering policy elements in support of EAFM when making changes to fishery management plans. The policy will also be used to focus research and funding opportunities on information needs regarding ocean habitat mapping and possible impacts of fishing activities on habitat. The following principles helped guide the development of these policies:[5]

- An ecosystem approach, which includes consideration of fish habitat, and linkages within the ecosystem, is fundamental to the sustainable use of our marine resources.
- The impacts of fishing in sensitive fish habitats should be considered in fisheries management decisions to ensure healthy and productive marine ecosystems.
- Not all fish habitat areas require equal levels of protection and not all areas are equally ecologically or biologically significant or vulnerable to particular fishing gears or practices.

To support these overarching principles, the Council's policy on fishing impacts on habitat is focused in three areas:

[5] This policy does not explicitly address impacts on forage fish, as a part of habitat, because other Council initiatives address forage fish directly and indirectly.

- Actions that apply to all areas of the marine ecosystem.
- Actions that apply to areas of the marine ecosystem where there is a history of significant fishing activity, including ongoing fishing activity.
- Actions that apply to areas of the marine ecosystem where there is little or no history of fishing.

Policies that apply to all areas of the marine ecosystem.

1. The Council will consider fishery measures which avoid or reduce the potential for lost, or "ghost" gear that has the potential for significant negative habitat impacts.

2. The Council will consider requiring fishing gear modifications or alternative gear types which reduce the impact on fish habitats in its fishery management plans, where practicable. It is understood that gear modifications are complex, costly, and require extensive testing. This policy should be used to promote and incentivize research on gear identified as having the potential to reduce or minimize the impacts of fishing gear on important fish habitat.

3. The Council will consider measures to reduce impacts on habitat that apply to all areas of a species' range including state and federal waters within the Greater Atlantic region, as well as areas outside this region depending on the species range.[6]

4. The Council will consider measures across FMPs that vary in space (i.e., spatial management measures) and time (i.e., seasonally or temporarily) to minimize the impacts of fishing gear and/or practices on fish habitat.[7]

5. The Council will consider and support measures to restore productive habitats. This policy applies to both physical or biological features that may have been lost by past fishing activities.[8]

Policies that apply to areas of the marine ecosystem where there is a history of significant fishing (this includes ongoing fishing activity). [9]

1. The Council will evaluate the effectiveness of existing fisheries management measures for minimizing fish habitat impacts, and determine whether changes are required.

2. Within areas of significant fishing activity, the Council will identify fish habitat areas and high productivity areas that may be more at risk than others to the impacts of fishing

[6] For areas outside of the Council jurisdiction, this policy will serve as a tool for ongoing dialog with other management bodies about the importance of addressing fishing impacts on habitat for Council managed resources.
[7] This provision promotes addressing impacts on habitat across fisheries. It is not intended to be a reiteration of the Council's ability to manage different activities within a specific FMP, such as seasonal spawning area closures for a specific species, but is instead intended to facilitate considerations across FMPs in the broader ecosystem context.
[8] Consideration and support can take many forms from funding direct activities to restore habitat, to indirect activities such as communicating Council goals to partners engaged in restoration activities.
[9] In general, a history of significant fishing describes a pattern of use of an area where fishing has occurred in the last 50 years.

activity and prioritize the work and fisheries management actions that may be required to mitigate or avoid harm. This will include consideration of the cumulative impacts of all fisheries and fishing gears on habitat through fishing gear impact analyses.

Policies that apply to areas of the marine ecosystem where there is little or no history of fishing.[10]

1. In areas with little or no historical fishing, the Council will evaluate expanding and new fisheries, or new fishing gears, for potential impacts to fish habitats, and determine the sensitivity of fish habitat in these areas to the proposed fishing activity.

[10] This excludes areas already subject to management measures such as prohibitions to fishing or other types of gear restrictions determined by the Council.