Council Fish Habitat Policies - Preamble

Fish require healthy surroundings to survive and reproduce. A fish's habitat is a combination of physical factors, such as water temperature and bottom type, chemical factors such as oxygen levels and dissolved minerals, and biological and ecological characteristics such as prey and forage. Many species of fish have different habitat requirements for each life stage (i.e., egg, larvae, juvenile, adult). Habitat plays an essential role in the reproduction, growth, and sustainability of commercial and recreational fisheries and is essential to the biodiversity of marine and coastal ecosystems.

Human activities have significantly altered coastal and marine habitat over time. A variety of factors have contributed to the degradation or destruction of fish habitat, including coastal development, land-based pollution, fishing gear impacts, 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 energy sources have the potential to cause wide-ranging impacts on fish habitat. Given the continued population growth and development in coastal areas, these pressures on coastal and marine habitats are expected to increase in the years to come. Also, it is important to note that once habitat is damaged or lost, it is difficult and costly to recover.

The Mid-Atlantic Fishery Management Council is responsible for the management of marine fisheries in the Exclusive Economic Zone. The Council develops management plans and management measures for fourteen species of fish and shellfish. Most of the Council's managed resources have strong nearshore and coastal linkages to habitat, and in many cases the nearshore and offshore environment for these managed resources is a continuum.

Fish stocks cannot be managed sustainably in the absence of a healthy marine ecosystem, and healthy fish habitat, which starts inland with freshwater stream and river inputs, and continues offshore to the outer continental shelf of the US Atlantic. Anthropogenic activities and projects within the Greater Atlantic region (i.e. Northeast region, including the Mid-Atlantic and New England waters) have the potential to impact the productivity of the Council's managed fishery resources[1], other federally-managed fish resources[2], state-

[1] 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.

[2] 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).

managed fish resources[3], and the forage on which these fish rely. In addition, many of these activities have the potential to impact species protected under the Endangered Species Act and Marine Mammal Protection Act[4], such as marine mammals and sea turtles.

The Council is limited in its ability to address threats to fish habitat, as its authority is largely restricted to the development of fishing regulations. The National Marine Fisheries Service (NMFS) and the Council have the ability to provide recommendations to Federal or state agencies concerning proposed activities that may affect the habitat, including essential fish habitat (EFH), of a fishery resource under its authority.[5] The Council is also involved in a range of habitat management and conservation initiatives through collaboration with its partners in the Greater Atlantic region.

In an effort to more effectively address anthropogenic (human) activities that threaten fish habitat, the Council has developed a series of policies that articulate its positions on the following issues: wind energy, offshore oil, marine transport, liquefied natural gas (LNG), and coastal development. By clearly communicating its positions on anthropogenic activities, the Council can more effectively comment and collaborate with partners and other agencies to address these threats.

The following principles guided the development of these policies:

1. An ecosystem approach, which considers the long-term health of essential habitat and its linkages within the ecosystem, is fundamental to the sustainable use of all marine resources.

2. It is imperative that the impacts of anthropogenic activities on sensitive habitats be considered when evaluating the appropriateness of human uses that impact marine and coastal areas.

3. Not all areas require equal levels of protection, since they are not all equally ecologically or biologically significant or vulnerable to particular stressors.

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

[4] For lists of protected resources, see: http://www.nmfs.noaa.gov/pr/species/index.htm.

[5] Section 305(b)(1)(D) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires the Secretary [of Commerce] to coordinate with other Federal agencies regarding the conservation and enhancement of EFH. Section 305(b)(2) requires all Federal agencies to consult with the Secretary on all actions or proposed actions authorized, funded, or undertaken by the agency that may adversely affect EFH. Sections 305(b)(3) and (4) direct the Secretary and the Councils to provide comments and EFH Conservation Recommendations to Federal or state agencies on actions that affect EFH. Section 305(b)(4)(B) requires Federal agencies to respond in writing to such comments. NMFS coordinates with each Council to identify the types of actions on which Councils intend to comment and shares pertinent information with the Councils, including copies of NMFS' EFH Conservation Recommendations. Each Council establishes procedures for reviewing Federal or state actions of concern and may coordinate on comments and recommendations with NMFS. However, NMFS and the Councils also have the authority to comment independently.

Given the extent of anthropogenic activities in the Greater Atlantic region, it is important that the Council articulate its position on these issues. The numerous activities occurring in the coastal zone result in compounding, cumulative impacts on the environment which must be addressed to the extent possible if fisheries productivity and ecosystem function are to be maintained. Actions and policies that protect and restore fish habitat and marine and estuarine ecosystem function, are clearly an investment in the health of our coastal communities, and the fisheries on which they depend.