

1. The Court found the Exclusion Area rationale was not factually based (i.e., there was no rational connection between the facts and the exclusion zone).

a. No clear definition of localized depletion spatially or temporally.

b. No scientific basis: No scientific evidence of localized depletion in the record.

i. Catch information failed to support localized depletion at any temporal or spatial scale relevant to the Amendment's definition of localized depletion. The PDT points out that the results might differ using a different timeframe or spatial scale, but does not suggest a different timeframe or spatial scale or present scientific evidence of the localized depletion effect using a different timeframe or spatial scale.

ii. The overlap analysis did not establish a link between mid-water trawl vessels and localized depletion.

iii. Anecdotal evidence insufficient to bridge the lack of evidence

The Court stated that though these comments can certainly provide anecdotal support for the final rule, they are not an adequate substitute for scientific evidence of localized depletion and its link to MWT vessels.

2. Scope of the action was too broad and the adverse effects on midwater trawl fleet too severe compared to the potential benefits.

a. The potential biological and socioeconomic benefits of the rule are highly conditional and are too speculative to justify such "a sweeping and economically consequential ban."

3. The measure did not comply with the MSA National Standard 4 requirement that allocative measures must be reasonably calculated to promote conservation, in part because of the speculative biological benefits.