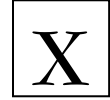


COUNCIL OPERATING PROCEDURE
Groundfish Essential Fish Habitat Review and Modification



Approved by Council: /07
Revised:

PURPOSE

To guide the Council's review and modification of groundfish essential fish habitat (EFH), especially the implementation of those portions of Amendment 19 to the Groundfish Fishery Management Plan (FMP) which identify requirements to:

1. Modify existing or designate new groundfish essential fish habitat (EFH) and habitat areas of particular concern (HAPC) in regard to areas closed to bottom trawling (FMP Sections 6.2.4 and 6.8.5).
2. Modify existing or designate new Groundfish HAPC (FMP Section 7.3.2).
3. Conduct an overall review of the EFH description, HAPC designations, and information on fishing and nonfishing impacts included in the FMP which is to be accomplished at least once every five years (Section 7.6).

OBJECTIVES

To assist in keeping the Council's identified EFH and HAPC responsive to and updated by changing knowledge of marine habitat and fishery and nonfishery activities that affect it by:

1. Establishing the membership and operating guidelines for an EFH Oversight Committee (OC) charged with reviewing and making recommendations to the Council for proposed changes to EFH and HAPC.
2. Establishing a process for efficiently reviewing proposed changes to Groundfish EFH and HAPC, including an overall review at least once every five years.

GROUND FISH ESSENTIAL FISH HABITAT OVERSIGHT COMMITTEE

Duties

When requested by the Council Chair or Executive Director, the Groundfish EFH OC shall review proposals or information with regard to modifying groundfish EFH and specifically:

1. Review groundfish EFH designations and areas currently closed to bottom contact fishing gear to protect groundfish habitat and recommend to the Council the elimination of existing

areas, addition of new areas, or modification of existing areas. In making its recommendations, the OC should, as a minimum, consider the best scientific information regarding the items listed in Section 6.2.4 of the Groundfish FMP. The OC may also include recommendations for modifying HAPC consistent with the proposed modification of the location and extent of areas closed to bottom trawling or other benthic contact fishing gear.

2. Review proposals for modifying or designating new HAPC.
3. Conduct an overall review of the EFH description, HAPC designations, and information on fishing and nonfishing impacts included in the FMP at least every five years.

Composition

General

The Groundfish EFH OC will be an ad hoc committee following the administrative procedures of COP 8 (members appointed by the Council Chair with advice from Council members and advisors, etc.). The specific members of the EFH OC will vary, depending on the review assignment and geographic area of the proposals. The committee may include appropriate representatives from the Groundfish Advisory Subpanel, Groundfish Management Team, Scientific and Statistical Committee, Habitat Committee, and other individuals with familiarity and expertise in the fisheries and marine habitats of the areas proposed for changes (e.g., commercial bottom trawl representatives, NMFS scientists, professors involved in marine habitat research and mapping, etc.). If the appointed OC lacks expertise to adequately review a proposal or proposals, the OC may request additional assistance through the Council Chair.

Short Term EFH Reviews

To address new information received between the five year comprehensive reviews, the Council Chair will appoint an ad hoc EFH OC with a composition tailored to deal effectively with the unique new information at hand. This ad hoc EFH OC will meet in accordance with the schedule described in the short term review portion of this COP, and disband at the conclusion of that process.

Five Year Review and Extensive Modifications

To address the overall five year review or proposals for major modifications requiring special expertise, the Council Chair will appoint an ad hoc EFH OC with a composition similar to the original Groundfish Habitat Technical Review Committee that was a key review group for identifying the initial EFH and HAPC. That committee was composed of two NMFS scientists (NW and SW Science Centers) familiar with Pacific marine habitats, two bottom trawl representatives knowledgeable about fisheries and trawling practices on the West Coast, two scientists representing conservation entities, and two professors intimately involved and expert in mapping of marine habitats off the Pacific Coast.

Member Terms, Alternates, and Officers

As described in COP 8, *Ad Hoc Committees*:

Ad Hoc Committee members serve until the tasks assigned to the Ad Hoc Committee are completed. However, an Ad Hoc Committee member may be replaced at the Council Chair's discretion if a member; 1) transfers employment or moves to a different location, 2) is absent from two or more consecutive meetings without giving adequate notification to the Committee Chair or Council Executive Director, or 3) appears unable to fulfill their obligations as a Committee member.

Due to the limited and specific nature of Ad Hoc Committees, members shall, generally, not be allowed to appoint alternates and are strongly encouraged to attend all Ad Hoc Committee meetings. However, at the discretion of the Council Chair or Executive Director and upon advance notice, in writing, committee members may designate alternates to serve in their absence. Such designees may participate in Ad Hoc Committee deliberations as a regular member. At the discretion of the Council Chair or Executive Director, alternates may be reimbursed for expenses per the Council travel rules.

The Chair and Vice Chair of each Ad Hoc Committee shall be appointed by the Council Chair. Such officers shall be confirmed by the Council Chair and shall serve for the duration of the Ad Hoc Committee. The presiding officer has the responsibility and authority to ensure that meetings are conducted in an orderly and business-like manner.

Meetings

As described in COP 8, *Ad Hoc Committees*:

The committee shall meet at the request of the Council Chair or Executive Director as often as necessary to fulfill their responsibilities.

Staff Responsibilities

As described in COP 8, *Ad Hoc Committees*:

In addition to drafting meeting minutes, a Council staff member shall be assigned to assist the committee with coordination, organization, and meeting logistics (e.g., *Federal Register* and meeting notices), and to provide other expertise needed by the Committee on a case-by-case basis.

EFH REVIEW PROCEDURES

Review procedures utilized by the Council will vary depending on the purpose or type of review.

Short Term EFH Reviews

Within a 5 year period, to allow for an orderly and efficient process for considering proposed changes to EFH and areas closed to fishing by various gear types (e.g., bottom trawl and bottom contact gear) to protect EFH, the review of proposals by the EFH OC and final determination by the Council will be coordinated with the groundfish biennial management specifications process to the degree possible. **[Some exceptions to the schedule may be necessary in the initial review]** The normal process will be as follows:

Timing	Action
June Council Meeting of Odd Numbered Years	Final Deadline for Council to request the EFH OC to review a proposed modification to areas closed to bottom trawl or bottom contact gear for the next biennial groundfish season (complete proposals must be received at the Council office no later than three weeks prior to the Council meeting).
November Council Meeting of Odd Numbered Years	Council considers recommendations of EFH OC and makes recommendations for considering modifications in ongoing biennial management process (implementation in following odd year).
April Council Meeting of Even Numbered Years	Council may include proposed modifications among a range of alternatives prepared for the next biennial groundfish management period for public review.
June Council Meeting of Even Numbered Years	Council makes its final recommendations for implementation by NMFS in January of next odd year.

Five Year Review

The complete review every five years of the Council’s EFH and HAPC designations is a major task that requires special expertise and planning. The review process, based on the initial five year review, is expected, to the extent practicable, to proceed as follows in the table below. The actual timing of some actions may vary, depending on Council workload and complexity of the modifications being considered. The table in this COP will be modified for the next five-year review to reflect the realities of the process and the updated Council workload.

Timing*	Action
June 2008 Council Meeting	Council Chair appoints adequate EFH OC to complete comprehensive five year review of EFH and HAPC. Any proposals for extensive modifications to be included in the review must be submitted to the Council office no later than three weeks prior to the September Council meeting.

Timing*	Action
July 2008 through May 15, 2009	EFH OC meets to review the FMP EFH and HAPC descriptions, and proposals for any extensive modifications; then develops recommendations for the Council.
June 2009 Council Meeting	Council considers recommendations of the EFH OC and adopts proposed changes for public review.
September 2009 Council Meeting	Council adopts final recommendations for changes to be incorporated in the FMP and become effective in the next biennial management specifications.

*This table describes the initial five year review beginning in 2008; subsequent second five year reviews would follow chronologically.

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05/29/07

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