

Draft Proposed Changes

COUNCIL OPERATING PROCEDURE

Process for Groundfish Essential Fish Habitat Review and Modification

22

Approved by Council: 6/13/07

Revised: 9/11/08

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 areas closed to bottom trawling for the protection of EFH (FMP Sections 6.2.4 and 6.8.5).
2. Modify existing or designate new Groundfish EFH and habitat areas of particular concern (HAPC) (FMP Sections 7.3.2 and 6.2.4).
3. Conduct an overall review of the EFH description, HAPC designations, and information on fishing and non-fishing impacts included in the FMP which is to be initiated within no more than five years since approval of the previous review (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 non-fishery activities that affect it by:

1. Establishing the membership and operating guidelines for an EFH Review Committee (EFHRC) 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 intervals of no more than five years.

GROUND FISH ESSENTIAL FISH HABITAT REVIEW COMMITTEE

Duties

When requested by the Council Chair or Executive Director, the Groundfish EFHRC 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 EFHRC should, as a minimum, consider the best scientific information

regarding the items listed in Section 6.2.4 of the Groundfish FMP. The EFHRC 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 a periodic five year review of the EFH description, HAPC designations, and information on fishing and non-fishing impacts included in the FMP.

Composition

The Groundfish EFHRC 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 EFHRC may vary, depending on the review assignment and geographic area of the proposed changes. The committee will include a representative from the Enforcement Consultants and 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.). The original Groundfish Habitat Technical Review Committee that was a key review group for identifying the initial EFH and HAPC 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.

In selecting members to review a particular proposal(s), the Council Chair will also consider the need for some consistency in membership. If the appointed EFHRC lacks expertise to adequately review a proposal or proposals, the EFHRC may request additional assistance through the Council Chair.

Member Terms, Alternates, and Officers

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

Meetings

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

Staff Responsibilities

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

EFH REVIEW PROCEDURES

The EFH designated for groundfish covers an extensive area and was identified through inclusive, intensive, and collaborative assessment processes that required FMP amendment and incorporation in the groundfish fishery regulations. Any significant changes to EFH require a deliberative process and NEPA review. Therefore, the Council will generally follow a cycle of five years between each complete review. Changes to EFH in the interim periods between the full reviews will only be contemplated in unusual cases in which significant harm might result by inaction. If significant new information or EFH issues emerge prior to a planned five year review, the Council may contemplate advancing the beginning of the next full review to something less than a five year period. The Council may request the EFHRC review interim proposals to provide its recommendations on how imperative it may be to act on the new information.

Periodic Five Year Review Process

The periodic five year review 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, level of new information being reviewed, 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.

[Note: See Agenda Item I.1.a, Attachment 2 for potential schedules.]

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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 areas closed to bottom trawling for the protection of EFH (FMP Sections 6.2.4 and 6.8.5).
2. Modify existing or designate new Groundfish EFH and habitat areas of particular concern (HAPC) (FMP Sections 7.3.2 and 6.2.4).
3. Conduct an overall review of the EFH description, HAPC designations, and information on fishing and non-fishing impacts included in the FMP which is to be ~~accomplished~~ initiated within no more than five years since approval of the previous review 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 non-fishery activities that affect it by:

1. Establishing the membership and operating guidelines for an EFH Review Committee (EFHRC) 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~~ intervals of no more than five years.

GROUND FISH ESSENTIAL FISH HABITAT REVIEW COMMITTEE

Duties

When requested by the Council Chair or Executive Director, the Groundfish EFHRC 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 EFHRC should, as a minimum, consider the best scientific information regarding the items listed in Section 6.2.4 of the Groundfish FMP. The EFHRC 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-periodic five year review of the EFH description, HAPC designations, and information on fishing and non-fishing impacts included in the FMP at least every five years.

Composition

General

The Groundfish EFHRC 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 EFHRC will may vary, depending on the review assignment and geographic area of the proposed changes. The committee will include a representative from the Enforcement Consultants and 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.).~~ The original Groundfish Habitat Technical Review Committee that was a key review group for identifying the initial EFH and HAPC 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.

In selecting members to review a particular proposal(s), the Council Chair will also consider the need for some consistency in membership ~~from ad hoc committee to ad hoc committee~~. If the appointed EFHRC lacks expertise to adequately review a proposal or proposals, the EFHRC 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 EFHRC with a composition tailored to deal effectively with the unique new information at hand. This ad hoc EFHRC 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 EFHRC 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.~~

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EFH REVIEW PROCEDURES

The EFH designated for groundfish covers an extensive area and was identified through inclusive, intensive, and collaborative assessment processes that required FMP amendment and incorporation in the groundfish fishery regulations. Any significant changes to EFH require a deliberative process and NEPA review. Therefore, the Council will generally follow a cycle of five years between each complete review. Changes to EFH in the interim periods between the full reviews will only be contemplated in unusual cases in which significant harm might result by inaction. If significant new information or EFH issues emerge prior to a planned five year review, the Council may contemplate advancing the beginning of the next full review to something less than a five year period. The Council may request the EFHRC review interim proposals to provide its recommendations on how imperative it may be to act on the new information.

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

Periodic Five Year-Complete Review Process

The ~~complete review every~~periodic five year reviews 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, level of new information being reviewed, 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.

[Note: See Agenda Item I.1.a, Attachment 2 for potential schedules.]

Timing*	Action
June 2011 Council Meeting	Council Chair appoints adequate EFHRC to complete comprehensive five year review of EFH and HAPC. Any proposals for modifications to be included in the review from outside entities must be submitted to the Council office no later than three weeks prior to the June Council meeting. To help plan the June Council meeting agenda, the Council may request a notice of intent for any proposals to be provided in June no later than the April 2011 Council meeting.
July 2011 through May 15, 2012	EFHRC meets to review the FMP EFH and HAPC descriptions and proposals for any extensive modifications; then develops recommendations for the Council.
June 2012 Council Meeting	Council considers recommendations of the EFHRC and adopts proposed changes for public review.
September 2012 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 2011; subsequent reviews would follow five years after final approval of the previous five year review.

Short Term EFH Reviews

~~Within a 5 year period, to allow for an orderly and efficient process for considering proposed changes to 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 EFHRC 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 EFHRC 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 EFHRC 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.

8/25/2010

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