

ESSENTIAL FISH HABITAT FIVE-YEAR REVIEW FOR THE PACIFIC COAST SALMON PLAN

Background

The Magnuson-Stevens Fishery Conservation and Management Act requires a periodic review of the essential fish habitat (EFH) portions of fishery management plans (FMPs), and the implementing regulations (50 CFR 600.815 (a)(10)) stipulate a five-year cycle for the review. Since the salmon FMP was approved September 27, 2000, the five-year review should be completed by about September 27, 2005.

Options

The EFH Final Rule states that “the review should include, but not be limited to, evaluating published scientific literature and unpublished scientific reports; soliciting information from interested parties; and searching for previously unavailable or inaccessible data.” After completing the EFH review, the Council and the National Marine Fisheries Service (NMFS) will have a range of options:

1. Provide updates and make technical corrections where necessary to freshwater areas currently designated as EFH. The resulting changes would likely be minimal, and probably not trigger an FMP amendment, but could be incorporated into an amendment process for other issues. They could also consider whether there is new information suggesting the need to reconsider the definition of EFH in marine areas.
2. Incorporate new information from Endangered Species Act (ESA) critical habitat and incorporate into EFH where ESA-listed and FMP-managed stocks overlap. This may trigger an FMP amendment and associated National Environmental Policy Act (NEPA) analysis.
3. Complete Item 2 above, and establish a process and criteria for designating salmon habitat areas of particular concern (HAPC), and if appropriate, designate specific HAPC. This would trigger an FMP amendment and associated NEPA analysis.

Key Issues to be Considered

- FMP Amendment and NEPA Analysis – Any substantive changes to descriptions of EFH will necessitate an FMP amendment. The outcome of the EFH review will determine the need for an amendment and associated NEPA documents.
- Data Review - NMFS conducted a data review in conjunction with the revised critical habitat proposal under the ESA. These data provide an in-depth examination of fish presence on the stream reach scale and could be used to refine or support the existing EFH descriptions where there is stock overlap. The review provides new information for approximately one third of salmon stocks covered under the salmon Plan. However, the critical habitat review focused on defining the end points of currently occupied freshwater habitat. EFH was intentionally broader in scope and included both currently occupied and historically accessible habitat.

- HAPC – HAPCs were not identified in the original EFH designation. The Council, therefore, may consider whether to designate HAPC at this time or to establish a process and criteria for designating HAPC. HAPC are identified based on one or more of the following four criteria: the importance of the ecological function; the susceptibility to human-caused degradation; whether development activities will stress the habitat; and the rarity of the habitat. While there are no additional regulatory or consultation requirements for HAPC, they do serve to highlight the importance of specific habitats.
- Staff Resource Needs – The time required for a review of the new information related to EFH will be relatively limited. However, if substantive changes are made in EFH, time requirements for an associated FMP amendment and NEPA analysis would be significant.

Recommendation

Staff recommends that Council and NMFS staff initiate the review and report back to the Council at the March 2005 meeting.