

COUNCIL OPERATING PROCEDURE
Groundfish Essential Fish Habitat Review and Modification

22

Approved by Council: 6/13/07
Revised:

PURPOSE

To establish procedures for the Essential Fish Habitat Review Committee (EFHRC) and to meet the intent of Sections 6.2.4 and 6.8.5, 7.3.2, and 7.6 of Amendment 19 to the Groundfish Fishery Management Plan (FMP).

OBJECTIVES

1. Assist in keeping the Council's identified Groundfish essential fish habitat (EFH), habitat areas of particular concern (HAPC), and closed areas responsive to, and updated by, changing knowledge of marine habitat, fishery, and nonfishing activities.
2. Establish procedures and criteria for review and modification of groundfish closed areas to maintain the health, function, and resilience of Groundfish EFH within the ecosystem and for fishing communities.
3. Review ecologically important habitat closed areas and recommend to the Council the elimination of existing areas or the addition of new areas, or modification of the extent and location of existing areas for the protection of EFH.
4. Modify or eliminate existing, or designate new, Groundfish EFH and HAPC.
5. Conduct a periodic five year review of the EFH description and identification, HAPC designations, and information on fishing and nonfishing impacts.

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. Develop terms of reference for submittal and review of proposals consistent with Objective 3 above.
2. Review groundfish EFH designations and areas currently closed to various types of 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 shall consider the best scientific information regarding the items listed in Section 6.2.4 of the Groundfish FMP, as well as other relevant information. 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.
3. Conduct a periodic five year overall review of the EFH description, HAPC designations, and information on fishing and nonfishing impacts included in the FMP.
4. Make recommendations to the Council as appropriate under the periodic and interim reviews.

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.). A core group of the EFHRC will be maintained, with additional members added as needed depending on the review assignment and geographic area of the proposals. The core group of the EFHRC will include two National Marine Fisheries Service (NMFS) scientists (NW and SW Science Centers) familiar with Pacific marine habitats, two representatives from NMFS NW Region, one bottom trawl representative and one fixed gear representative knowledgeable about west coast fisheries, two representatives of conservation entities, two persons with expertise in mapping of marine habitats off the Pacific Coast, one representative from west coast National Marine Sanctuaries, **one tribal representative**, and a representative from the Enforcement Consultants. Additional members 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 socio-economics, fisheries, and marine habitats of the areas proposed for changes. 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.

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

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

Short Term EFH Reviews

On an annual basis, the EFHRC will review new information and consider proposals for changes to HAPC designations and areas closed to fishing by various gear types, and to consider nonfishing impacts, consistent with the objectives above. 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
October	EFHRC meets with Habitat Committee to review new information and produce compendium of reports and assessments (science focus).
November	Discuss policy implications, set priorities, solicit general and specific proposals. Determine if there is a need to advance the periodic five year review process.
February	Proposals due for April briefing book deadline; EFHRC meets to review proposals with proponents.
April	EFHRC briefs advisory bodies and develops recommendations to Council. Council takes final action to develop modifications to EFH/HAPC, sets process and schedule. Even Years: Council may include proposed modifications among a range of alternatives prepared for the next biennial groundfish management period for public review.
September/June	Review regulatory language, make final recommendation to Council.
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 periodic five year review of the Council's EFH and HAPC designations may be a major task that requires special expertise and planning. 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
March 2006	Groundfish Amendment 19 record of decision was signed by NMFS revising EFH designations, and starting the five year review period
November 2010	EFHRC determines the scope for the upcoming periodic five year review based on EFH modification and evaluation since March 2006 and development of new information.
March 2011	EFHRC meets to initiate the process to conduct the five year review for Council approval. The EFHRC will develop recommendations for public review, National Environmental Policy Act compliance, data and model requirements, schedule for completion, and other relevant issues needed for specifics of the periodic review.

*This table describes the initial five year review beginning in 2011; subsequent reviews would follow five years after approval.

COUNCIL OPERATING PROCEDURE
Groundfish Essential Fish Habitat Review and Modification

Approved by Council: 6/13/07
Revised:

PURPOSE

To establish procedures for the Essential Fish Habitat Review Committee (EFHRC) and to meet the intent of Sections 6.2.4 and 6.8.5, 7.3.2, and 7.6 of Amendment 19 to the Groundfish Fishery Management Plan (FMP).

OBJECTIVES

1. Assist in keeping the Council's identified Groundfish EFH, HAPC, and closed areas responsive to, and updated by, changing knowledge of marine habitat, fishery, and nonfishing activities.
2. Establish procedures and criteria for review and modification of groundfish closed areas to maintain the health, function, and resilience of Groundfish essential fish habitat (EFH) within the ecosystem and for fishing communities.
3. Review ecologically important habitat closed areas and recommend to the Council the elimination of existing areas or the addition of new areas, or modification of the extent and location of existing areas for the protection of EFH.
4. Modify or eliminate existing, or designate new, Groundfish EFH and habitat areas of particular concern (HAPC).
5. Conduct a periodic five year review of the EFH description and identification, HAPC designations, and information on fishing and nonfishing impacts.

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¶
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 REVIEW COMMITTEE

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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:

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1. Develop terms of reference for submittal and review of proposals consistent with Objective 3 above.
2. Review groundfish EFH designations and areas currently closed to various types of 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 shall consider the best scientific information regarding the items listed in Section 6.2.4 of the Groundfish FMP, as well as other relevant information. 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.
3. Conduct a periodic five year overall review of the EFH description, HAPC designations, and information on fishing and nonfishing impacts included in the FMP.
4. Make recommendations to the Council as appropriate under the periodic and interim reviews.

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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.). A core group of the EFHRC will be maintained, with additional members added as needed depending on the review assignment and geographic area of the proposals. The core group of the EFHRC will include two NMFS scientists (NW and SW Science Centers) familiar with Pacific marine habitats, two representatives from NMFS NW Region, one bottom trawl representative and one fixed gear representative knowledgeable about west coast fisheries, two representatives of conservation entities, two persons with expertise in mapping of marine habitats off the Pacific Coast, one representative from west coast National Marine Sanctuaries, one tribal representative, and a representative from the Enforcement Consultants. Additional members 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 socio-economics, fisheries, and marine habitats of the areas proposed for changes. 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

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adequately review a proposal or proposals, the EFHRC may request additional assistance through the Council Chair.

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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*.

Deleted: 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. ¶

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 ¶ 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.

Deleted: 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.

EFH REVIEW PROCEDURES

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

Short Term EFH Reviews

On an annual basis, the EFHRC will review new information and consider proposals for changes to HAPC designations and areas closed to fishing by various gear types, and to consider nonfishing impacts, consistent with the objectives above. 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:

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Timing	Action
October	EFHRC meets with HC to review new information and produce compendium of reports and assessments (science focus).
November	Discuss policy implications, set priorities, solicit general and specific proposals. Determine if there is a need to advance the periodic five year review process.
February	Proposals due for April briefing book deadline; EFHRC meets to review proposals with proponents.
April	EFHRC briefs advisory bodies and develops recommendations to Council. Council takes final action to develop modifications to EFH/HAPC, sets process and schedule. Even Years: Council may include proposed modifications among a range of alternatives prepared for the next biennial groundfish management period for public review.

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Deleted: 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).

September/June	Review regulatory language, make final recommendation to Council
June Council Meeting of Even Numbered Years	Council makes its final recommendations for implementation by NMFS in January of next odd year.

Deleted: November Council Meeting
Odd Numbered Years

Five-Year Review

The periodic five year review of the Council's EFH and HAPC designations may be a major task that requires special expertise and planning. 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.

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- Deleted:** June 2008 Council Meeting
- Deleted:** Council Chair appoints adequate EFH OC 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 September Council meeting. To help plan the September Council meeting agenda, the Council may request a notice of intent for any proposals to be provided in September no later than the June 2008 Council meeting.
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- Deleted:** Council considers recommendations of the EFH OC and adopts proposed changes for public review.
- Deleted:** September 2009 Council Meeting
- Deleted:** Council adopts final recommendations for changes to be incorporated in the FMP and become effective in the next biennial management specifications.
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Timing*	Action
March 2006	Groundfish Amendment 19 record of decision was signed by NMFS revising EFH designations, and starting the five year review period
November 2010	EFHRC determines the scope for the upcoming periodic five year review based on EFH modification and evaluation since March 2006 and development of new information.
March 2011	EFHRC meets to initiate the process to conduct the five year review, for Council approval. The EFHRC will develop recommendations for public review, NEPA compliance, data and model requirements, schedule for completion, and other relevant issues needed for specifics of the periodic review.

*This table describes the initial five year review beginning in 2011; subsequent reviews would follow five years after approval.

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.