

AD HOC GROUND FISH ESSENTIAL FISH HABITAT REVIEW COMMITTEE  
STATEMENT OF INTENT AND TERMS OF REFERENCE

STATEMENT OF INTENT

The ad hoc Essential Fish Habitat Review Committee (EFHRC, Committee) has developed this statement of intent in order to establish a clear understanding of Pacific Fishery Management Council (Council) expectations as to the charge, direction and flow of information between the Committee and the Council. The EFHRC cannot be effective as an advisory body without the confidence of the Council, and Committee members have strived to develop a transparent Essential Fish Habitat (EFH) review process. The original EFH Technical Review Committee, which included many of the same members as the current EFHRC, was very successful at advising the Council on scientific and technical matters related to the initial development of Groundfish Amendment 19. This Committee would like to ensure that it builds upon that success as it moves into the review phase, and as such would like to note the following:

- 1) The Committee understands that it serves at the pleasure of the Council and will provide advice based on Council direction. Since its creation, the EFHRC has given advice based on the agendas and guidance provided by Council staff. The Committee encourages the Council to give regular, constructive guidance in order for the Committee to be an effective ad hoc advisory body.
- 2) The credibility and effectiveness of the Committee are founded on the professional reputations of its members. The EFHRC is not, and will not be, an advocacy group and has not developed or edited any documents that reflect an advocacy position. The Committee has developed criteria in order to provide evaluations of all proposals submitted in accordance with the review process and timeline established by the Council.
- 3) The Committee has developed the Terms of Reference document and is proceeding under the assumption that the Council considers the EFHRC as the initial evaluators of proposals in the Council Groundfish EFH review process.
- 4) The Committee will continue to provide advice consistent with Council direction. The Committee has further clarified its neutral role in the Terms of Reference, specifically stating that the Committee will provide an initial evaluation of proposals with regard to the scientific and technical sufficiency as it relates to modifications of EFH designations, areas, and gear types.
- 5) Transparency of the review process and Committee activities will be maintained at all times. The Committee will work to recognize any potential conflicts of interest and will act on these accordingly.

TERMS OF REFERENCE:  
PROTOCOL FOR CONSIDERATION OF  
GROUNDFISH ESSENTIAL FISH HABITAT MODIFICATION PROPOSALS

BACKGROUND

The Pacific Fishery Management Council's (Council) groundfish fishery management plan (FMP) provides designations of Essential Fish Habitat (EFH), Habitat Areas of Particular Concern (HAPC), and Ecologically Important Habitat Closed Areas (HCAs) to identify and protect EFH and to mitigate for the adverse effects of groundfish fishing activities. The FMP requires review and update of these designations during a periodic 5-year review process, and also allows for reviews as needed during interim periods.

Section 7.2 and Appendix B in the FMP describes groundfish EFH, which is generally between the shore line or limit of saltwater intrusion out to depths of 3,500 m as well as seamounts in depths greater than 3,500 m. HAPC have been identified for four habitat types (Estuaries, Canopy Kelp, Seagrass, and Rocky Reefs) and several Areas of Interest. Figure 7.2 in the FMP is a map of the approximate location of habitat types identified as HAPC. The coordinates defining Area of Interest HAPC are presented in FMP Appendix B. HCAs are currently categorized as either Bottom Trawl Closed Areas or Bottom Contact Closed Areas. There are currently 50 HCAs on the West Coast; maps showing their locations and coordinates defining their boundaries are presented in FMP Appendix C. The FMP is available on the Council website at: <http://www.pcouncil.org/groundfish/gffmp/fmpthru19.html>.

PURPOSE

The purpose of this document is to provide guidance on the content of proposals to change, add, or delete groundfish EFH, HAPC, HCA, and other areas as appropriate, to ensure proposals have the necessary biological, ecological, and socioeconomic information for the Council to decide if they should undergo additional consideration and analysis in either the periodic or interim review process. This document will also guide the process and criteria by which proposals are evaluated by the Council and its advisory bodies.

PROTOCOL

A. Submission

1. Following a request by the Council for proposals to modify, add, or delete protected groundfish habitat, the Council's ad hoc Groundfish Essential Fish Habitat Review Committee (EFHRC) will provide an initial evaluation of such proposals to the Council with regard to the technical sufficiency and potential biological, ecological, and socioeconomic significance of the proposal. The evaluation will include identifying any deficiencies that should be addressed if the Council desires a full assessment of the proposal for potential adoption. The Groundfish Management Team (GMT), Groundfish Advisory Subpanel (GAP), Habitat Committee (HC), Enforcement Consultants (EC), and Scientific and Statistical Committee (SSC) may also review initial proposals and provide

comments on methodology and relevance to management issues, and make recommendations to the Council accordingly. Public comment will also be accepted at Council meetings.

2. Initial proposals for Council review and consideration must be received at the Council office by May 1, 2009.
3. Proposals may originate from individuals, non-government organizations, federal, state, or tribal agencies.

## B. Proposal Contents

It is recognized that some applicants may not have access to proprietary information or sufficient resources to address all of the information needs listed below, and that some needs will not be relevant to specific proposals, however, this should not preclude consideration of such proposals if the information necessary for analysis can be obtained from other sources later in the process. In as much as possible, applicants must submit a completed proposal in writing that includes, but is not limited to, the following information:

1. Date of application.
2. Applicant's name, mailing address, email address, and telephone number, including contacts for any cooperating agencies or entities.
3. A statement of the problem and the proposed action.
4. An explanation why the proposal is warranted, including:
  - a. How it is consistent with the Council's requirement to identify and protect EFH and to mitigate for the adverse effects of groundfish fishing activities.
  - b. Why an interim review is necessary prior to the periodic 5-year review.
5. A detailed description of the proposed action(s), including:
  - a. Spatial changes to currently protected areas such as boundary modifications, elimination of current areas of EFH, HAPC, and HCA or addition of new areas of EFH, HAPC, or HCA. Latitude and longitude coordinates (DDD° mm.mmm') and maps, including before and after change, and digital files if available (e.g., GIS shape files, navigation plotter data).
  - b. Gear regulation changes, (e.g., allowing or disallowing gear types, tow technique, mesh size, weight of gear, time of bottom contact, tow time, number of pots or hooks).
  - c. Other changes.

6. All relevant and applicable information on the following characteristics, including the attendant impacts of the proposed action:
  - a. Biological and ecological characteristics (e.g., habitat function, vulnerability, index of recovery, species associations, including reference to any ESA-listed species, and biogenic components).
  - b. Geological characteristics (e.g., substrate type, grain size, relief, morphology, depth).
  - c. Physical oceanographic characteristics (e.g., temperature, salinity, circulation, waves).
  - d. Chemical characteristics (e.g., nutrients, dissolved oxygen).
  - e. Socioeconomic characteristics (see 7.e below).
7. A discussion of the following topics as relevant to the proposed actions:
  - a. The importance of habitat types to any groundfish FMP stocks for their spawning, breeding, feeding, or growth to maturity.
  - b. The presence and location of important habitat (as defined in 7.a above).
  - c. The presence and location of habitat that is vulnerable to the effects of fishing and other activities as relevant.
  - d. The presence and location of unique, rare, or threatened habitat.
  - e. The socioeconomic and management-related effects of proposed actions, including changes in the location and intensity of bottom contact fishing effort, the displacement or loss of revenue from fishing, and social and economic effects to fishing communities attributable to the location and extent of closed areas. Applicants are encouraged to collaborate with socioeconomic experts as well as affected fishermen and communities in order to identify socioeconomic costs and benefits.

C. Review and Approval

1. The EFHRC will review proposals prior to the June 2009 Council meeting and provide an evaluation for the briefing materials. The Council is scheduled to take preliminary action at the June 2009 meeting and may request additional information on proposals in time for evaluation prior to final action at the November 2009 Council meeting.
2. For the November 2009 meeting the EFHRC and other appropriate Council advisory bodies review the scientific and technical merits of proposals, including any new

information incorporated since the initial proposal was submitted the preceding June. Only those proposals that were considered in June may be considered in November.

3. The Council determines an appropriate process (e.g., biennial specifications, periodic EFH review, etc.) for further analysis and consideration of proposals adopted at the November 2009 meeting.
4. The EFHRC initial review will consider, at a minimum, the following questions:
  - a. Is the application complete?
  - b. Are the coordinates consistent with the proposed actions and do they map out correctly?
  - c. What habitat types are affected by the proposal?
  - d. Are the data sufficient to evaluate the proposal effects and objectives, and if not why?
  - e. What are the biological, ecological, and socioeconomic effects (beneficial and detrimental) of the proposal? For example:
    - i. What is the importance of affected habitat types to any groundfish FMP stocks for their spawning, breeding, feeding, or growth to maturity?
    - ii. What is the distribution and abundance of important habitat?
    - iii. Is that habitat vulnerable to the effects of fishing and other activities?
    - iv. Is there unique, rare, or threatened habitat?
    - v. What are the changes in location and intensity of bottom contact fishing effort?
    - vi. What is the displacement or loss of revenue from fishing?
    - vii. Has there been collaboration with affected fishermen and communities to identify socioeconomic costs and benefits?
  - f. If models are used in the proposal are they consistent with the best available information?
  - g. Is the proposal consistent with the goals and objectives of the FMP?
  - h. How will fishing communities and other stakeholders be affected by the proposal?
  - i. How are tribal Usual and Accustomed Areas affected by the proposal, and how was that determined?

- j. How are overfished stocks affected by the proposal?
- k. Is a monitoring plan part of the proposal?
- l. Has there been coordination with appropriate state, tribal, and federal enforcement, management, and science staff?
- m. Are there components of the proposal that require additional expertise beyond the EFHRC for a comprehensive evaluation?

PFMC  
02/13/09