

AMENDMENT 28 - ESSENTIAL FISH HABITAT (EFH) AND ROCKFISH
CONSERVATION AREA (RCA) - FINAL IMPLEMENTATION

In April 2018, the Pacific Fishery Management Council (Council) took final action on groundfish fishery management plan (FMP) Amendment 28, for proposed changes to Pacific Coast groundfish essential fish habitat (EFH), trawl rockfish conservation areas (RCAs), deepwater bottom contact gear closures, and other elements related to the groundfish fishery and habitat protections. At the September 2018 meeting, the Council provided further guidance on the draft proposed FMP amendatory language, on the development of a revised Council Operating Procedure (COP) 22, and on minor corrections to the configuration of EFHCAs.

The National Marine Fisheries Service (NMFS), Northwest Fisheries Science Center, and the Amendment 28 Project Team developed a package of materials that will be used as the basis for transmittal and approval by the Secretary of Commerce for final approval of Amendment 28. These include:

- September 2018 Public Review Draft of revised FMP text (Agenda Item G.2, Attachment 1, Electronic Only).
- Project Team Report (Agenda Item G.2.a, Project Team Report 1). This report includes a summary of comments received on the FMP text, and provides suggested revisions for consideration.
- FMP appendices (Agenda Item G.2 Attachment 2, Electronic Only).
- Draft COP 22 (Agenda Item G.2, Attachment 3).

At this meeting the Council is scheduled to approve amended FMP language. Per the Council's direction, the Project Team summarized comments from the September 2018 Council meeting and provide suggested changes for further Council consideration (Agenda Item G.2.a, Project Team Report 1). These suggested changes are not reflected in the underline/strikethrough edits provided in Attachment 1. The Council is also scheduled to consider and approve the FMP appendices. These appendices include detailed descriptions of habitat suitability probability maps, research and data needs, impact models, fishing gear effects, EFH coordinates and maps, non-fishing effects, and recommended conservation measures. Updated versions of some appendices are still being developed and were not available for inclusion in the advanced March Briefing Book materials.

At the March meeting, the Council will have the opportunity to make corrections to its final action from April 2018. Based on Council direction in September, NMFS provides a report that explains corrections made to the Arago Reef EFHCA coordinates (Agenda item G.2.a, NMFS Report 1). These new coordinates may be adopted at this meeting.

Council staff developed a draft COP 22 for possible adoption for public review and approval at a future meeting. Currently, COP 22 guides the Council's review and modification of groundfish essential fish habitat. COP 22 has been redrafted to be an overarching framework to guide all Council EFH reviews, rather than just those for groundfish (Agenda Item G.2, Attachment 3). The

intent is to provide an overall framework for approaching each EFH review and to provide flexibility for application to all four Council FMPs. Therefore, the revised COP 22 provides overall guidance to the process and calls for a tailored approach to be developed as the Council embarks on new reviews.

The Amendment 28 Project Team developed the draft Environmental Impact Statement (EIS) which NMFS published on September 28, 2018 with a comment period that closed on November 19, 2018. Seven comment letters were received. Several suggested technical or editorial changes to the draft EIS, and several offered support of the Council's final preferred alternative. It is anticipated the final EIS will publish in Summer-Fall 2019 and the Record of Decision signed at least 30 days afterward.

Upon approval of the amendment package, Council staff will transmit the amendment package to NMFS, for subsequent Secretarial approval. Implementing regulations will be deemed by the Council Executive Director, and subsequently published by NMFS.

Council Action:

- 1. Approve amended Fishery Management Plan language.**
- 2. Consider and approve FMP appendices.**
- 3. Correct final EFHCA configurations as necessary.**
- 4. Adopt draft COP 22 for public review.**

Reference Materials:

1. Agenda Item G.2, Attachment 1: Proposed FMP Amendment Language (**Electronic Only**).
2. Agenda Item G.2, Attachment 2: FMP appendices (**Electronic Only**).
3. Agenda Item G.2, Attachment 3: Draft COP 22.
4. Agenda Item G.2.a, Project Team Report 1.
5. Agenda item G.2.a, National Marine Fisheries Service Report 1.

Agenda Order:

- G.2 Amendment 28 - Essential Fish Habitat (EFH) and Rockfish Conservation Area – Final Implementation Kerry Griffin
- a. Reports and Comments of Management Entities and Advisory Bodies
 - b. Public Comment
 - c. **Council Action:** Approve Final Amended Fishery Management Plan; Correct Final EFH Conservation Area Configurations, As Necessary; Consider Adopting Revised Council Operating Procedure 22 for Public Review

PFMC
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