

GROUND FISH ADVISORY SUBPANEL REPORT ON AMENDMENT 28 - ESSENTIAL FISH
HABITAT (EFH) AND ROCKFISH CONSERVATION AREA (RCA) –
FINAL IMPLEMENTATION

Mr. Kerry Griffin and Ms. Gretchen Hanshew provided the Groundfish Advisory Subpanel (GAP) with an overview of the proposed fishery management plan language, draft appendices, and revised Council Operating Procedure (COP) 22. The GAP appreciates the work of NMFS and the project team on this topic, and offers the following comments and recommendations.

The GAP views the fishery management plan (FMP) language updates and appendices as sufficiently developed for final Council approval with remaining updates by subject matter experts as appropriate prior to submission. The GAP supports the minor modifications in [NMFS Report 1](#) and the FMP language edits in [ODFW Report 1](#). The GAP strongly supports maintaining a schedule to support January 1, 2020 implementation of regulations.

The GAP notes that the preliminary draft of Appendix D (Non-fishing Effects on EFH) is intended to focus on reorganizing the material and adding potential new threats that have emerged since Amendment 19. However, it appears that some threats (e.g. marine mining) may have been inadvertently removed. Care should be taken to ensure that threats are not deleted unless new information has emerged indicating they are no longer applicable.

The GAP supports the draft COP 22 as revised by the GMT. It provides important items in a framework for an EFH review and can be used for different fisheries. It is the GAP's understanding that COP 22 will not be finalized at this meeting and would be appropriate to allow review by others in the future, including other management teams.

The GAP is aware that concerns have been raised, in September and at this meeting, over the removal of text from the FMP, and in many cases the intent is to replace this text or fulfill the same function with new language in COP22. For example, existing detailed procedures for the development of new Habitat Areas of Particular Concern (HAPC) in Section 7.3.2 are proposed for deletion in favor of new language to be housed, in part, in COP22 (See [Agenda Item G.2.a Project Team Report 1](#), page 1). Given that the development of COP22 will continue beyond this March meeting, the GAP suggests that references to COP22 in the FMP amendatory language should be replaced, where possible, with alternative references to fully developed text and/or procedures in the FMP. To again cite the HAPC development example, the existing FMP clearly describes (in Sections 6.2D and 6.2.4), a procedure for routine habitat-related FMP amendments. This process normally requires at least 2 Council meetings, and 2 Federal Register Notices. If section 7.3.2 is removed, sections of the FMP (e.g. Section 7.6) that describe procedures for reviewing and revising EFH provisions, including HAPC and including interim action (e.g. between required 5-year reviews), should simply state that such action would follow the process described in Sections 6.2D and 6.2.4 of the FMP.