

COUNCIL OPERATING PROCEDURE

Essential Fish Habitat Review Process

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Approved by Council: 6/13/07

Revised: 9/11/08; 4/12/11, **9/17/19**

PURPOSE

To guide the Council's review and modification of essential fish habitat (EFH) provisions in fishery management plans (FMPs), including identification and description of EFH, fishing and non-fishing impacts, recommended conservation measures, habitat areas of particular concern (HAPC), and other provisions of EFH.

OBJECTIVES

1. To ensure that the EFH provisions in the Council's FMPs are consistent with the best scientific information available.
2. To ensure a transparent and efficient science-based process for review of new information, and consideration of any potential changes to EFH provisions.

EFH PERIODIC REVIEW PROCESS

No more than five years after completing a review and any modifications of an FMP's EFH provisions, the Council should initiate a new review. The Council may conduct a review of some EFH elements, such as HAPCs, in the interim period; however, changes to HAPCs or other EFH elements in between full EFH review will only be contemplated in unusual cases in which notable harm might result by inaction. The review should include the evaluation of published and unpublished scientific literature and reports, information from interested parties, and previously unavailable or inaccessible data. The Council will identify the appropriate Council and/or National Marine Fisheries Service staff lead(s) to coordinate the review, working with subject area experts, Council Advisory Bodies, and others to complete a review consistent with Federal regulatory guidance at 50 CFR 600, Subpart J.

In determining the scope and schedule of the review, the Council should clearly identify the purpose and objectives for the review, as well as measurable habitat conservation objectives for any amendments to EFH. The Council should also consider lessons learned from prior reviews and solicit input from its Advisory Bodies and the public.

As appropriate, the review may occur in two phases with a separate scoping process and objectives for each phase. In the first phase the project lead(s) and subject matter experts (i.e., Federal/state agencies, tribes, academia) will conduct a thorough review of the best available scientific information relevant to EFH provisions for species in a particular FMP. Based on this review and considering input from its advisory bodies and the public, the Council may embark on a second phase in which changes to EFH provisions for that FMP, as well as commensurate minimization measures, are considered for Council adoption. At the completion of an EFH Review/Revision Process, the Council should conduct a debrief to capture lessons learned.

Prior to initiating a review, the Council should adopt a process and schedule for both the review phase, and if necessary, the second phase in which changes to EFH provisions are considered. The process and schedule will contain details such as key participants and steps relevant to the subject FMP. This process may utilize procedures already described in individual FMPs, as appropriate.