

Habitat Goals and Tools Listed in Pacific Council Fishery Management Plans (Feb. 2020)

Groundfish Management Plan

Section 2.1

Goal 1 - Conservation. Prevent overfishing and rebuild overfished stocks by managing for appropriate harvest levels and prevent, to the extent practicable, any net loss of the habitat of living marine resources. (Section 2.1)

The overall goals of rebuilding programs are to... (4) protect the quantity and quality of habitat Pacific Coast Groundfish Plan necessary to support the stock at healthy levels in the future;...

Section 4.6.3.1

To achieve the rebuilding goals, the Council will strive to...(8) identify any critical or important habitat areas and implement measures to ensure their protection;...

Section on EFH

The Magnuson-Stevens Act (as amended by the Sustainable Fisheries Act) requires FMPs to “describe and identify essential fish habitat..., minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat” (§303(a)(7)).

Protecting, conserving, and enhancing EFH are long-term goals of the Council, and these EFH provisions of the FMP are an important element...

Section 2.1: Management Goals

Goal 1 - Conservation. Prevent overfishing and rebuild overfished stocks by managing for appropriate harvest levels and **prevent, to the extent practicable, any net loss of the habitat** of living marine resources.

Section 4.6.3.1 Goals and Objectives of Rebuilding Plans:

The overall goals of rebuilding programs are to... (4) **protect the quantity and quality of habitat Pacific Coast Groundfish Plan necessary to support the stock at healthy levels in the future;**...

To achieve the rebuilding goals, the Council will strive to...(8) **identify any critical or important habitat areas and implement measures to ensure their protection...**

Section 5.1 General Overview of the Harvest Specifications and Management Process

For any stock the Secretary has declared overfished or approaching the overfished condition, or for any stock the Council determines is in need of rebuilding, the Council will implement such periodic management measures as are necessary to rebuild the stock by controlling harvest mortality, **habitat impacts**, or other effects of fishing activities ...

Chapter 7: Essential Fish Habitat

The Magnuson-Stevens Act (as amended by the Sustainable Fisheries Act) requires FMPs to “describe and identify essential fish habitat..., minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat” (§303(a)(7)). The Magnuson-Stevens Act defines EFH as “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.”

NMFS interpreted this definition in its regulations as follows: “waters” include aquatic areas and their associated physical, chemical, and biological properties that are used by fish, and may include areas historically used by fish where appropriate; “substrate” includes sediment, hard bottom, structures underlying the waters, and associated biological communities; “necessary” means “the habitat required to support a sustainable fishery and the managed species’ contribution to a healthy ecosystem”; and “spawning, breeding, feeding, or growth to maturity” covers the full life cycle of a species. For the purposes of identifying groundfish EFH, artificial structures are excluded from the definition of substrate unless designated as HAPC in this FMP (Section 7.3); notwithstanding other criteria, HAPCs are part of groundfish EFH under the descriptive criteria listed in Section 7.2 of this FMP.

These requirements are addressed as follows:

- **Section 7.2 provides a succinct description of groundfish EFH.** Appendix B to this FMP provides detailed descriptions of EFH for groundfish FMU species, including maps showing EFH for individual groundfish species/life stages.
- **Section 7.3 describes the groundfish HAPCs** that have been identified by the Council, including the criteria used to identify those areas.
- **Section 7.4 provides an overview of the management measures available to the Council for minimizing the adverse impacts of fishing to EFH...**
- **Section 7.5 describes how Federal agencies must consult with NMFS and/or the Council about any ongoing or proposed action** they may authorize, fund, or undertake that may adversely affect any EFH. If the action would adversely affect EFH, NMFS will provide recommendations to conserve EFH. In support of these consultations, **Appendix D describes non-fishing effects on EFH** and recommended conservation measures.
- **Section 7.6 describes how the Council will support habitat-related monitoring and research** activities through the ongoing management program. ... Appendix B identifies many of those data gaps and makes suggestions regarding future research efforts, including needed research on fishing and non-fishing impacts to groundfish EFH.

Protecting, conserving, and enhancing EFH are long-term goals of the Council, and these EFH provisions of the FMP are an important element in the Council's commitment to a better understanding, and conservation and management, of Pacific Coast groundfish populations and their habitat needs.

Section 6.2.4 The Habitat Conservation Framework

In order to protect EFH from the adverse effects of fishing, the Council has identified areas that are closed to bottom trawling ... The Council shall establish an EFH Oversight Committee (OC)... In making its recommendation to the Council, the committee should consider, but is not limited to considering, the best available scientific information about:

1. The importance of habitat types to any groundfish FMU species for their spawning, breeding, feeding, or growth to maturity.
2. The presence and location of important habitat (as defined immediately above).
3. The presence and location of habitat that is vulnerable to the effects of bottom trawl fishing.
4. The presence and location of unique, rare, or threatened habitat.
5. The socioeconomic and management-related effects of closures, including changes in the location and intensity of bottom trawl 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.

When making its recommendation to the Council, the committee may also include in its recommendations proposed changes in the designation of HAPCs ...

Section 6.8.5 Ecologically Important Habitat Closed Areas

The Council has identified discrete areas that are closed to fishing with specified gear types, or are only open to fishing with specified gear types. These ecologically important habitat closed areas are intended to mitigate the adverse effects of fishing on groundfish EFH....

6.8.7 Marine Protected Areas

6.9.4 Facilitating Public-Private Partnerships that Mitigate EFH Impacts and May Reduce Capacity

Highly Migratory Species FMP

Section 2.2

Maintain, restore, or enhance the current quantity and productive capacity of habitats to increase fishery productivity for the benefit of the resource and commercial and recreational fisheries for highly migratory species.

(Includes similar EFH language as groundfish FMP; see EFH section for more details on tools and sub-objectives).

Coastal Pelagic Species FMP

Re-states MSA language regarding EFH, etc.

Salmon FMP

Section 3.1.4.1 - Council Action: (tools, not goals)

For those causes [of salmon decline] beyond Council control or expertise, **the Council may make recommendations to those entities which have the authority and expertise to change preseason prediction methodology, improve habitat, modify enhancement activities, and re-evaluate management and conservation objectives for potential modification through the appropriate Council process.**

In addition to the STT assessment, **the Council may direct its Habitat Committee (HC) to work with federal, state, local, and tribal habitat experts to review the status of the essential fish habitat affecting the overfished stock and, as appropriate, provide recommendations to the Council for restoration and enhancement measures** within a suitable time frame. However, this action would be a priority only if the STT evaluation concluded that freshwater survival was a significant factor leading to the overfished determination. Upon review of the report from the HC, the Council will consider appropriate actions to promote any solutions to the identified habitat problems.

Section 4

The Council will be guided by the principle that there should be no net loss of the productive capacity of marine, estuarine, and freshwater habitats that sustain commercial, recreational, and tribal salmon fisheries beneficial to the nation. Within this policy, the Council will assume an aggressive role in the protection and enhancement of anadromous fish habitat, especially essential fish habitat (EFH).

4.1.2 Adverse Effects of Fishing on Essential Fish Habitat

To the extent practicable, the Council must minimize adverse impacts of fishing activities on salmon EFH. Fishing activities may adversely affect EFH if the activities cause physical, chemical, or biological alterations of the substrate, and loss of or injury to benthic organisms, prey species and their habitat, and other components of the ecosystem. The marine activities under Council management authority or influence that may impact EFH are fishing activities and the use of fishing gear, prey removal by other fisheries, and salmon fishing that reduces stream nutrients due to fewer salmon carcasses on the spawning grounds. Within its fishery management authority, the Council may use fishing gear restrictions, time and area closures, or harvest limits to

reduce negative impacts on EFH. Section 4.1 of Appendix A provides descriptions of the potential impacts on EFH from fishing activities. The descriptions include both fisheries within Council management authority and those under other management jurisdictions. In determining actions to take to minimize any adverse effects from fishing, the Council will consider the nature and extent of the impact and the practicality and effectiveness of management measures to reduce or eliminate the impact. The consideration will include long- and short-term costs and benefits to the fishery and EFH along with other appropriate factors consistent with National Standard 7 ("Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.").

4.1.3 Adverse Effects of Non-Fishing Activities on Essential Fish Habitat

"Each Council shall comment on and make recommendations to the Secretary and any Federal or State agency concerning any such activity (authorized, funded, or undertaken, or proposed to be undertaken by any Federal or State agency) that, in the view of the Council, is likely to substantially affect the habitat, including essential fish habitat, of an anadromous fishery resource under its authority." . . . "Within 30 days . . . a Federal agency shall provide a detailed response in writing . . ." Magnuson-Stevens Act, §305(b)

The Council will strive to assist all agencies involved in the protection of salmon habitat...

In implementing its habitat mandates, the Council will seek to achieve the following overall objectives:

1. Work to assure that Pacific salmon, along with other fish and wildlife resources, receive equal treatment with other purposes of water and land resource development.
2. Support efforts to restore Pacific salmon stocks and their habitat through vigorous implementation of federal, tribal, and state programs.
3. Work with fishery agencies, tribes, land management agencies, and water management agencies to assess habitat conditions and develop comprehensive restoration plans.
4. Support diligent application and enforcement of regulations governing ocean oil exploration and development, timber harvest, mining, water withdrawals, agriculture, or other stream corridor uses by local, state, and federal authorities. It is Council policy that approved and permitted activities employ the best management practices available to protect salmon and their habitat from adverse effects of contamination from

domestic and industrial wastes, pesticides, dredged material disposal, and radioactive wastes.

5. Promote agreements between fisheries agencies and land and water management agencies for the benefit of fishery resources and to preserve biological diversity.
6. Strive to assure that the standard operation of existing hydropower and water diversion projects will not substantially reduce salmon productivity.
7. Support efforts to identify and avoid cumulative or synergistic impacts in drainages where Pacific salmon spawn and rear. The Council will assist in the coordination and accomplishment of comprehensive plans to provide basin-wide review of proposed hydropower development and other water use projects. The Council encourages the identification of no-impact alternatives for all water resource development.
8. Support and encourage efforts to determine the net economic value of conservation by identifying the economic value of fish production under present habitat conditions and expected economic value under improved habitat conditions.

4.2 Compensation for Natural Production Losses

Whenever unavoidable fish population losses occur as a result of various development programs or other action, the Council will recommend compensatory measures that, to the extent practicable, meet the following guidelines:

1. Replacement of losses will be by an equivalent number of fish of the appropriate stock of the same fish species or by habitat capable of producing the equivalent number of fish of the same species that suffered the loss.
2. Mitigation or compensation programs will be located in the immediate area of loss.
3. In addition to direct losses of fish production, compensation programs will include consideration of the opportunity to fish and potential unrealized production at the time of the project.
4. Measures for replacement of runs lost due to construction of water control projects should be completed in advance of, or concurrent with, completion of the project.

Section 8. Schedule and Procedures for Analyzing the Effectiveness of the Salmon FMP

Additionally, at various Council meetings, the Habitat Committee and state and tribal management entities will help keep the Council apprised of achievements and problems with regard to the protection and improvement of the environment (i.e., EFH) and the restoration and enhancement of natural production.

Amendment 8 contains habitat policy and objectives

Amendment 14 contains EFH and HAPCs

Other materials

Statement of Practices and Procedures:

Habitat Committee

The Habitat Committee reviews and evaluates essential fish habitat in FMPs and FMP amendments, including adverse impacts on such habitat and the consideration of actions to ensure conservation and enhancement of such habitat. The Habitat Committee provides expert advice on the effects of proposed management measures on fish habitat and other habitat related matters brought before the Council for action. The Habitat Committee also reviews activities, or proposed activities, to be authorized, funded, or undertaken by any federal or state agency that may affect habitat of a fishery resource under the jurisdiction of the Council.

Council Operating Procedures:

Objectives and duties

When requested by the Council Chair or Executive Director, the HC shall:

1. Facilitate communication and coordinated action on important habitat issues which have regional significance to fisheries managed by the Council.
2. Work with key agency and public representatives to develop strategies to resolve present habitat problems and avoid future habitat conflicts.
3. Make recommendations to the Council for actions which help achieve the Council's habitat objectives as defined in its fishery management plans.
4. Make recommendations to the Council for actions which help achieve the Essential Fish Habitat mandates in the Magnuson-Stevens Fishery Conservation and Management Act.

Issue Screening and Review Procedures:

The following criteria will guide HC and Council procedures:

- All issues must have a **significant impact** on Council managed fisheries. This may include habitat policy issues of regional or national scope as well as effects of specific projects or resource developments.
- Direct presentation of issues to the HC should be at the request of the Council or the HC Chair and coordinated with the appropriate individual fishery management entities.
- Private individuals or organizations may submit requests for Council action directly to the HC.
- Direction and assignments to the HC shall originate from the Council.
- Habitat Committee-related, Council action will require approval of a majority of Council members when a quorum is present (except as noted under the "Quick Response Procedures" in Council Operating Procedure 1).
- All issues submitted to the HC should include the HC Proposed Action Form and have sufficient supporting information to allow clear identification of the issue(s) and evaluation of the need for Council action and/or support.