

HABITAT COMMITTEE REPORT ON COUNCIL OPERATIONS AND PRIORITIES

The Habitat Committee (HC) reviewed materials from the Staff Briefing Papers for the Committee-of-the-Whole (COTW) meeting in January 2024, and calls attention to two potential inconsistencies related to Magnuson-Stevens Act (MSA) authorities and the HC membership.

First, the January Staff Briefing Paper, “[Aligning Council Priorities with Finances](#),” notes that “*In general, base funding for the Councils should be used to cover “core” priorities. These include the statutory requirements outlined in the Magnuson-Stevens Act...*”. Table 2 in that report identifies “*Essential Fish Habitat (EFH)*” under the “*MSA Requirements*” column, which could be interpreted to pertain only to the requirements for designating and reviewing EFH in Fishery Management Plans (FMPs), especially since “*Habitat comments*” was included under the third column entitled: “+ Intl, EFPs, Sanctuaries, More.” Given the language below from section 305(b)(3)(B) of the MSA, Council comments provided on proposed federal or state actions that are likely to substantially affect anadromous habitat would be categorized as a “MSA Requirement” in this prioritization scheme as the Council continues to consider its operations and priorities.

(3) Each Council—

(A) may comment on and make recommendations to the Secretary and any Federal or State agency concerning any activity authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by any Federal or State agency that, in the view of the Council, may affect the habitat, including essential fish habitat, of a fishery resource under its authority; and

(B) shall [emphasis added] comment on and make recommendations to the Secretary and any Federal or State agency concerning any such activity 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.

A second point of clarification pertains to the January Staff Briefing [Agenda Item D: Staff Briefing Paper on Council Operations](#), which states that the HC has grown by 50% since 2000. The HC compared March rosters from 2000, 2003, 2008, 2015, and 2024. In 2000 there were 39 advisors assigned to three habitat-focused advisory bodies. In the years that followed, the HC roster has remained relatively consistent at 14-16 members. The most recent addition was a second at-large seat in 2016 to bring additional habitat science expertise.