

**Agenda Item G.2 Amendment 28 Essential Fish Habitat  
and Rockfish Conservation Area – Final Implementation**

**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.**

DRAFT-NOT FOR ADMINISTRATION

I move the Council approve the revisions to the groundfish FMP as shown in G.2 Attachment 1, March 2019, with additional changes as proposed in the following March 2019 reports:

- G.2.a Project Team Report 1, with the modifications to section 7.4 in G.2.a, Supplemental GMT Report 1
- G.2.a Supplemental ODFW Report 1, except:
  - In #1, replace the proposed addition "certain types of fishing" with "certain fishing gear or methods"
  - in #3 do not include the underlined phrase "with bottom contact gear"
  - do not use #4
- G.2.a Supplemental REVISED HC Report 1 including the attachment, except:
  - In the list of habitat objectives on page 3, replace "all managed species and life stages" with "all groundfish FMP species and life stages"
  - Noting that in the same list, the fifth bullet should be split to begin a sixth bullet with "Conduct scientific research..."
- Remove references to COP 22 in the FMP, as described in G.2.a, Supplemental GAP Report 1.

In addition, approve the FMP appendices, and allow Council staff, with the support of the Project Team, to further update the FMP and appendices consistent with EFH regulations and Council recommendations. Additional public input regarding corrections to the appendices should be directed to Council staff no later than Monday, March 25, 2019. The FMP and appendices would then be submitted for Secretarial review without further review by the Council.

Moved by Maggie Sommer 2<sup>nd</sup> by Brad Pettinger Motion carried unan.

DRAFT-NOT FOR ADMINISTRATIVE PURPOSES

Main motion as amended carried unanimously.

I move the Council:

- 1) Approve COP-22 with revisions proposed below for further review.
- 2) Initiate an "Amendment 28 post-mortem" by requesting the EFH Project Team to consider how to conduct a survey of all interested individuals to gather the lessons learned and recommendations for EFH review procedures. The PT should report back to the Council with plans for such a survey in June. **Amendment by Marci Yaremko; 2<sup>nd</sup> by Bob Dooley strike out "in June"** Yaremko amendment carried unanimously.
- 3) Develop groundfish EFH review guidelines after receiving the post-mortem survey feedback and prior to initiating the next full EFH review.

## DRAFT COUNCIL OPERATING PROCEDURE 22: PROCESS FOR ESSENTIAL FISH HABITAT REVIEW AND MODIFICATION

### PURPOSE

To guide the Council's review and modification of essential fish habitat (EFH) provisions in FMPs, including identification and description of EFH, fishing and non-fishing impacts, recommended conservation measures, habitat areas of particular concern, 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 **meaningful, efficient, and** 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 ~~may initiate a new review and~~ **should initiate a new review. The Council may conduct a review of some EFH elements, such as HAPC, in the interim period; however, changes to HAPC or other EFH elements in between full EFH reviews 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 consider recommendations from prior reviews, clearly identify the purpose and measureable objectives for the review, and habitat conservation objectives for any amendments to EFH, and solicit input from its Advisory Bodies and the public.

As appropriate, the review may be scoped in two phases. In the first phase the project lead(s), the relevant management team, and any-subject matter experts (i.e., federal/state agencies, tribes, academia) will conduct a thorough review of the best available scientific information on the EFH provisions contained 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. The

Prior to initiating a review, the Council should adopt a process and schedule and timeline 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.

DRAFT-NOT FOR ADMINISTRATIVE PURPOSES

G.2 Motion #3 moved by Maggie Sommer; 2<sup>nd</sup> by Michele Culver

Motion carried unanimously.

I move to amend a prior motion regarding Agenda Item F.3 from April 2018.

Add a second bullet under Subject Area 1, Alternative 1.a - Collaborative, that reads as follows:

- With Arago Reef expanded slightly from Alternative 1.a such that it closes all of the EEZ between the northern, western and southern boundaries, as shown in Agenda Item G.2.a, NMFS Report 1, March 2019.

*For illustration, the April 2018 motion:*

ODFW motion on EFH/RCA (Maggie Sommer/ 2<sup>nd</sup> by Dorothy Lowman): Motion carried unan.

For the waters off Oregon (between 46 degrees 16 minutes N and 42 degrees N), including the entirety of any EFHCA bisected by one of those lines), I move the Council adopt the following alternatives for Amendment 28 final action:

Subject Area 1: EFH

- Alternative 1.a (Collaborative)
  - With the Bandon High Spot Northern and Southern Modifications adjusted as shown in Figures 1 and 2, with new coordinates in Tables 1 and 2
- From Alternative 1.b (Oceana et al.):
  - N. Daisy Bank, adjusted as described below in Figure 3
  - Hydrate Ridge, adjusted as shown in Figure 4, with coordinates in Table 3
- Alternative 1.c (MTC), except:
  - Do not adopt the Daisy Bank Northern, Southern, Southeastern, or Western Modifications
  - Adjust the Heceta Bank Southern and Heceta Bank Southeastern Modifications as described below in Figure 5

Subject Area 2: Trawl RCA

- Alternative 2.c (Remove the trawl RCA and implement BACs)

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