

COUNCIL OPERATING PROCEDURE

Process for Groundfish Essential Fish Habitat Review and Modification

Approved by Council: 6/13/07

Revised: 9/11/08; 4/12/11

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PURPOSE

To guide the Council's review and modification of groundfish essential fish habitat (EFH), especially the implementation of those portions of Amendment 19 to the Groundfish Fishery Management Plan (FMP) which identify requirements to:

1. Modify existing or designate new areas closed to bottom trawling or other benthic contact fishing gear for the protection of EFH (FMP Sections 6.2.4 and 6.8.5).
2. Modify existing or designate new Groundfish EFH and habitat areas of particular concern (HAPC) (FMP Sections 7.3.2 and 6.2.4).
3. Conduct an overall review of the EFH description, HAPC designations, and information on fishing and non-fishing impacts included in the FMP which is to be initiated within no more than five years since approval of the previous review (Section 7.6).

OBJECTIVES

To assist in keeping the Council's identified EFH and HAPC responsive to and updated by changing knowledge of marine habitat and fishery and non-fishery activities that affect it by:

1. Establishing the membership and operating guidelines for an EFH Review Committee (EFHRC) charged with reviewing and making recommendations to the Council for proposed changes to EFH and HAPC.
2. Establishing a process for efficiently reviewing proposed changes to Groundfish EFH and HAPC, including an overall review at intervals of no more than five years.

GROUND FISH ESSENTIAL FISH HABITAT REVIEW COMMITTEE

The Groundfish EFHRC has been established as a Council advisory body under section 302(g)(2) of the Magnuson-Stevens Act and will follow the ad hoc committee administrative procedures of COP 8.

Duties

When requested by the Council Chair or Executive Director, the Groundfish EFHRC shall review proposals or information with regard to modifying groundfish EFH and specifically:

1. Review groundfish EFH designations and areas currently closed to bottom trawling or other benthic contact fishing gear to protect groundfish habitat and recommend to the Council the elimination of existing areas, addition of new areas, or modification of existing areas. In making its recommendations, the EFHRC should, as a minimum, consider the best scientific information regarding the items listed in Section 6.2.4 of the Groundfish FMP. The EFHRC may also include recommendations for modifying HAPCs consistent with the proposed modification of the location and extent of areas closed to bottom trawling or other benthic contact fishing gear. These proposed changes to EFH designations, HAPCs, adverse effects,

or other EFH-related information may be based on proposals solicited from interested parties, and/or developed by the EFHRC.

2. Review proposals for modifying or designating new HAPC.
3. Assist the Council and provide oversight of the five year review of the EFH descriptions, HAPC designations, information on fishing and non-fishing impacts, and other EFH-related information included in the FMP.

Composition

As provided in COP 8, the members of the EFHRC are appointed by the Council Chair with advice from Council members and advisors.

The specific members of the EFHRC may vary, depending on the review assignment and geographic area of the proposed changes. The committee will include a representative from the Enforcement Consultants, and Tribal professional staff plus an alternate. The committee may also include appropriate representatives from the Groundfish Advisory Subpanel, Groundfish Management Team, Scientific and Statistical Committee, Habitat Committee, and other individuals with familiarity and expertise in the fisheries and marine habitats of the areas proposed for changes (e.g., commercial bottom trawl representatives, NMFS scientists, professionals involved in marine habitat research and mapping, etc.).

In selecting members to review a particular proposal(s), the Council Chair will also consider the need for some consistency in membership. If the appointed EFHRC lacks expertise, the EFHRC may request additional assistance through the Council Chair.

Member Terms, Alternates, and Officers

As described in COP 8, *Ad Hoc Committees*.

Meetings

As described in COP 8, *Ad Hoc Committees*.

Staff Responsibilities

As described in COP 8, *Ad Hoc Committees*.

EFH REVIEW PROCEDURES

The EFH designated for groundfish covers an extensive area identified through inclusive, intensive, and collaborative assessment processes that required FMP amendment and incorporation in the groundfish fishery regulations. Any significant changes to EFH require a deliberative process and NEPA review; therefore, the Council will generally follow a cycle of five years between each complete review. Changes to EFH in the interim periods between the full reviews will only be contemplated in unusual cases in which significant harm might result by inaction. If significant new information or EFH issues emerge prior to a planned five year review, the Council may contemplate advancing the beginning of the next full review to something less

than a five year period. The Council may request the EFHRC review interim proposals to provide its recommendations on how imperative it may be to act on the new information.

Periodic Five Year Review Process

The periodic five year review of the Council’s EFH and HAPC designations is a major task that requires special expertise and planning. The review process, based on the initial five year review, is expected, to the extent practicable, to proceed as follows in the table below. The actual timing of some actions may vary, depending on Council workload, level of new information being reviewed, and complexity of the modifications being considered. The table in this COP will be modified for each five-year review to reflect the realities of the process and the updated Council workload.

Timing/Due Date	Action
April 2011	Council approves the process, and solicits for information and data (deadline: July 1, 2011)
Summer 2011	NMFS Science Center (or contractor) compiles and synthesizes data and information, initiates review. EFHRC starts reviewing interim products
Dec 31, 2011	NMFS Science Center (or contractor) product due
Jan-March 2012	EFHRC drafts report summarizing new data and information; including how it compares with existing information, maps, etc.
April 2012	Council adopts interim report and issues RFP for any changes to existing GF EFH, HAPCs, etc. (END PHASE I)
Sept 2012	EFHRC drafts final report, including recommendations for potential changes to EFH
November 2012	Final Action by Council (END PHASE II)
Post November 2012	If Council final action warrants additional activity, that would initiate Phase 3. Additional work could be in the form of an FMP amendment or other non-FMP product such as a chapter in the SAFE document. At that point, the EFHRC would be adjourned, because the review will have been completed. Any further work would require delegation to or establishment of an appropriate workgroup (e.g., GMT, amendment committee, etc.)