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**NOAA To Publish Final Rule For Essential Fish Habitat**  
*Essential Fish Habitat Vital to Ensuring Stable Fish Populations*

The National Marine Fisheries Service (NOAA Fisheries), an agency of the Commerce Department's National Oceanic and Atmospheric Administration (NOAA), will publish final regulations in the Federal Register implementing the essential fish habitat (EFH) provisions of the Magnuson-Stevens Fishery Conservation and Management Act, on January 17. The regulations provide guidelines for fishery management councils to identify and conserve necessary habitats for fish as part of federal fishery management plans. The regulations also establish coordination and consultation procedures to be used by NOAA Fisheries and other federal agencies to protect habitats identified as EFH.

"The objective of the EFH program is to conserve and enhance the habitats that support sustainable fisheries and contribute to healthy ecosystems," said NOAA Fisheries Assistant Administrator Bill Hogarth. "Through this rule, NOAA Fisheries and the councils will work together with federal and state agencies, industries, fishery groups, conservation groups and the general public to help stop the disappearance and degradation of fish habitats. This important rule brings us together in support of healthy fish populations and habitats for future generations."

The final rule published on January 17<sup>th</sup> replaces an interim final rule that has been in effect since January 1998. In an extraordinarily public rulemaking process, NOAA Fisheries held five separate public comment periods while developing the regulations, and held more than 20 public meetings and workshops.

In the final rule, NOAA Fisheries makes changes to the regulations based on thousands of written public comments and almost four years of experience implementing EFH through the interim rule. The revised regulations provide clearer standards for the councils to use in identifying EFH, additional guidance to help councils evaluate whether fishing activities may adversely affect EFH, and clearer procedures for federal agency consultations with NOAA Fisheries on actions that may impact EFH.

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Congress added the EFH provisions to the Magnuson-Stevens Act in 1996. The eight regional fishery management councils and NOAA Fisheries subsequently identified EFH using the best scientific information available for each of the species managed under 41 fishery management plans across the nation. The councils and NOAA Fisheries will use the final rule to revise and refine the EFH designations as additional information becomes available regarding the habitat requirements of federally managed fish species. The final rule will also guide the designation of EFH for species managed through any new fishery management plans.

The Magnuson-Stevens Act requires the councils and NOAA Fisheries to minimize to the extent practicable adverse effects of fishing on EFH, and identify other actions to conserve and enhance EFH. Federal agencies that authorize, fund, or undertake actions that may adversely affect EFH must consult with the secretary of commerce, through NOAA Fisheries, regarding potential effects to EFH, and NOAA Fisheries must provide conservation recommendations. To carry out this mandate efficiently, NOAA Fisheries combines EFH consultations with existing environmental reviews required by other laws, so almost all of the consultations are completed within the time frames of those other reviews. Thousands of EFH consultations have been completed in this manner since the first EFH designations took effect in 1999.

“Fish populations around the country are experiencing the effects of lost coastal wetlands and seagrass beds, dammed rivers, contaminated sediments, and diminished water quality,” Hogarth said. “The essential fish habitat provisions of the Magnuson-Stevens Act were developed to prevent future habitat problems before the finfish and shellfish that depend on healthy habitats suffer further declines.”

NOAA Fisheries is dedicated to protecting and preserving our nation’s living marine resources through scientific research, management, enforcement, and the conservation of marine mammals and other protected marine species and their habitat. To learn more about NOAA Fisheries, please visit <http://www.nmfs.noaa.gov>