

DRAFT Report of the NPFMC Essential Fish Habitat (EFH) Committee

January 29-30, 2002 Juneau, Alaska

Committee: Stosh Anderson (vice chair), Linda Behnken (chair), Gordon Blue, Michael Payne, Scott Smiley, Ben Enticknap, Michelle Ridgway, John Gauvin, Earl Krygier, Heather McCarty, Glenn Reed

Staff: NPFMC- Cathy Coon, David Witherell
NMFS-AFSC, Seattle - Craig Rose
NMFS- AK Region- Ted Meyers, Cindy Hartmann, Susan Walker
Tamra Faris, Nina Mollet
NMFS- AFSC, ABL- Phil Rigby, Jeff Short
NOAA GC AK- Lauren Smoker, John Lepore

Other participants: Thorn Smith, Paul MacGregor, Paula Terrel, Dan Falvey, Lori Swanson, Brent Payne, Jon Tillinghast, Jim Ayers

The EFH Committee met January 29-30th to review the following: the EFH final rule, the proposed alternatives for designation of EFH and Habitat Areas of Particular Concern (HAPC), the timeline for the EIS, and to receive public input on any portion of the analysis (public testimony). A workshop will be held March 25-27th to discuss fishing effects and tools for mitigation, and the development of those alternatives.

The committee recommended that all handouts and relevant publications pertaining to the EFH committee or interested parties should continue to be available on the NPFMC website. (www.fakr.noaa.gov/npfmc/efh)

EFH Final Rule: NMFS staff reported that the EFH final rule has the same overall structure as the interim final rule. It was published in the *Federal Register* January 17, 2002, and will become effective February 19, 2002. The Council will receive a detailed report during the February meeting.

Alternatives for designation of HAPC & EFH: Staff reported that the draft Chapter 2 of the EIS will be forthcoming in April (NPFMC, NMFS staff). This chapter specifically examines in detail the alternatives for designation of HAPC and EFH and will include maps, full text, and examination of sample habitats. The Committee provided additional clarification on the proposed alternatives. One specific clarification on the designation alternatives included tying habitat back to productivity for both the species and habitat based alternatives. For example in Alternative 5 the committee envisioned the Ecoregions would be refined down to a smaller habitat i.e. gully or slope and each species within that group would be clarified as to if it was an EFH species. For example, some gullies may not have a lot of required species for EFH definition but would have a high level of importance for productivity of those species or others. The committee received public comment from the non-fishing industry, (Jon Tillinghast, representing Sealaska) for the exact wording of Alternative 6, to be within the exclusive economic zone (EEZ) only or exclude freshwater and only consider fishing impacts.

Interaction between the EFH EIS analysis and the Programmatic SEIS: The committee asked NMFS staff what was the interaction between this EIS analysis with the Programmatic SEIS.

Tamra Faris (NMFS -AK Region) reported connections between the two NEPA documents. NEPA is an action forcing law, but the programmatic SEIS deals with policy decisions for the FMP's. After a policy alternative is adopted from the programmatic SEIS, management measures could be changed through the typical process of FMP amendments. The programmatic SEIS may change the way that policy is articulated in the FMP's.

Tools to minimize the effects of fishing on EFH: NPFMC staff provided a discussion paper on potential management tools to minimize the effects of fishing on EFH.

The committee had a discussion on the possible tools used for mitigation. The following seven came up as a combination from Witherell's paper, the programmatic SEIS, and Committee members comments:

- a. Harvest Prohibition of HAPC biota
- b. Fishing Equipment Limitations Limit
 - specifics of gear configurations to that currently used (i.e. longline groundline to a certain gauge/ no cable)
- c. Gear Conversion
- d. Area of limited effort-
 - specific spatial areas for gear or gear configuration
- e. Habitat Conservation Areas
- f. Bottom trawl and dredge "open" areas
 - Including potential of rationalization
- g. Benthic Marine Habitat Preservation areas
 - Including scientific research areas

Tools for Mitigation Measures: NPFMC Staff provided a methodology to evaluate fisheries for potential adverse effects, based on the guidelines from the final rule. The methodology is contoured in a four step process.

Step 1: For each fishery, the description section would include: 1) a description of gear used and how fished, 2) distribution and intensity of fishing effort, 3) habitat type(s) where fishery occurs 4) HAPC biota bycatch, 5) prey species bycatch, and 6) a summary of applicable studies on fishing effects, and 7) description of current management measures that reduce effects of fishery on EFH. EFH Committee workgroups will assist to assist with the description section, as review several other components.

Step 2: The next step is to evaluate the adverse effects, if any, for each fishery. For management measures to be considered, the rule requires that two conditions be met: 1) that adverse effects be more than minimal, **and**, 2) that adverse effects be more than temporary in nature. A group of NMFS, Council and other agency staff will develop definitions of 'minimal' and 'temporary', and establish criteria for these conditions prior to conducting any evaluations.

Step 3: For those fisheries, if any, that meet the criteria for both minimal and temporary adverse effects, the evaluation could include a section on identification of potential management actions. In other words, what tools are could be used to minimize adverse effects? These were described in the discussion paper on alternatives to minimize the effects of fishing on EFH. Cumulative impacts would be assessed based on this information.

Step 4: The final step is to evaluate the practicality of imposing these measures. Essentially, the analysis will need to estimate long and short-term costs, and benefits of potential management measures to EFH, associated fisheries, and the nation. Then, the Council (and ultimately the Secretary) will have to decide what is practicable, that is, what price will the fishing community pay to protect EFH to get some benefits? What are the tradeoffs?

Differential Gear discussion papers: The Committee vice chair handed out two discussion papers on differential gear impacts. The Council will be taking this up as a separate issue during the February 2002 meeting. However, Stosh Anderson wanted the Committee to see the two drafts. The committee voted to accept germane portions of these documents in the habitat and gear sections to be included in the EFH analysis.

Committee Time line for contribution to the SEIS (February - October 2002):

February 15th: Committee members will provide the names of scientists they want to review and comment on the criteria for minimal & temporary.

March 18th: Sent to Committee NMFS/ Council staff products.

- Description of the fisheries (including state water fishery description)
- Discussion of mitigation tools
- Criteria for minimal and temporary
- Summary of fishing gear effects applicable to Alaskan waters

March 25-27th: EFH Committee meets at the Alaska Fisheries Science Center, Seattle to finalize fishery descriptions, discuss potential adverse effects, and discuss mitigation tools/ applications.

April 8-17th: EFH Committee gives a progress report to the Council based on the March workshop. Council adopts initial mitigation tools.

April 19th: Staff provides a report to the Committee: Chapter 2 details on EFH and HAPC designation alternatives.

May 16-17th: EFH Committee meets in Sitka to review chapter 2 detailed description of EFH and HAPC alternatives, a process which to nominate HAPC sites, and sample HAPC sites.

June 3-10th: EFH Committee provides a progress report to Council. The June Council newsletter, and a Federal Register notice is published requesting public comments on EFH Committee and NMFS work to date.

August 26 or 27th: Tentative dates for teleconference of EFH Committee to review public comments.

September (TBA): EFH Committee meeting to discuss criteria and HAPC sites and types and receive public comments and form recommendations for Council.

September 30th - October 8th: EFH Committee report to Council summarizing the criteria of sites and types of HAPC designation and the potential effects of fishing on EFH and draft tools for mitigation alternatives. Council adopts final EFH and HAPC designation alternatives.

Next Committee Meeting: The committee agreed to meet on March 25-27 in Seattle. Four products will be provided to the committee.

- Criteria for minimum and temporary
- Description of fisheries
- Summary of scientific literature on fishing effects pertinent to Alaskan waters
- Review of tools to minimize impacts, and examples of the situation in which they could apply

On the second day there will be workgroups split into subgroups based on the FMP species as follows: crab and scallop (combined) BSAI groundfish, GOA groundfish, salmon. At least one committee member will be assigned to that subgroup, as well as a staff person to record the outcome. Assignments were as follows:

BSAI Groundfish - Ben Enticknap (chair), John Gauvin, Michelle Ridgway, Cindy Hartmann (staff)
GOA Groundfish - Heather McCarty (chair), Linda Behnken, Cathy Coon (staff)
Salmon- Glenn Reed (chair), Scott Smiley, Ted Meyers/Mike Payne (staff)
Crab and Scallops- Earl Krygier (chair), Gordon Blue, David Witherell (staff)

The goals of the subgroups will be to:

- Revise Fishery Descriptions
- Discuss Potential Adverse Effects
- Discuss mitigation tools/applications

The third day the EFH Committee will meet to both finalize the tools for mitigation, and to review the other topics of the workgroups. A report of the workshop will be presented to the Council during the April, 2002 meeting.

Discussion of HAPC site designation /proposal process: Earl Krygier reported that the Alaska Board of Fish will be investigating marine protected areas during it's next meeting and will keep the committee apprized of these issues.

NPFMC staff reported that the EFH EIS package will probably have several HAPC sites analyzed as a component of several HAPC alternatives following the criteria set forth in the EFH Final Rule. A detailed description of EFH and HAPC alternatives (including specific HAPC sites) will be completed in April, and distributed to the Committee. The Committee will discuss the sites and methodology during the May, 2002 Committee meeting. The committee Could additionally review public or committee proposed areas on fleshed out HAPC designation sites during that time. Those sites that meet the defined criteria (in the final rule) could go out for public review via the Council newsletter and Federal register.

Committee members felt that there was a need for a public proposal process on the HAPC sites to be included in the EFH SEIS alternatives. As part of the proposal process the committee suggested that public be informed about the HAPC objective and criteria for designation. The public proposal process for HAPC would require extra time over the summer. As such the committee developed the following schedule.