



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

October 20, 2008

Eric Olson, Chairman  
North Pacific Fishery Management Council  
605 W. 4<sup>th</sup> Avenue, Suite 306  
Anchorage, Alaska 99501

Dear Mr. Olson:

The national regulations implementing the Essential Fish Habitat (EFH) provisions of the Magnuson-Stevens Act specify that Fishery Management Councils and the National Marine Fisheries Service (NMFS) should conduct a complete review of all EFH information in Fishery Management Plans (FMPs) at least once every five years (50 CFR 600.815 (a)(10)). The most recent review for North Pacific Fishery Management Council FMPs was completed via the 2005 EFH Environmental Impact Statement (EIS), which resulted in FMP amendments that updated the original 1999 EFH provisions. NMFS and the Council should complete another review of the EFH information in Council FMPs by 2010.

NMFS staff have begun thinking about ways NMFS and the Council can conduct an efficient review of the EFH information to see if any changes are warranted. Although some new scientific information exists, we are not expecting major changes or a huge effort as was necessary for the 2005 EIS. However, a small team is needed to assess whether any new information warrants revising the EFH section of the FMPs. If no changes are warranted we would document that for the record. If changes are appropriate NMFS would propose revisions to the Council for consideration. Our preliminary internal discussions suggest that some minor revisions may be appropriate. Importantly, the review may also suggest new descriptive analytical approaches or concepts for future application.

Enclosed is a draft approach for proceeding with a review of the EFH components of Council FMPs. Our intent in proposing this approach is to facilitate good coordination and ensure the Council's FMPs continue to incorporate the most recent scientific information available. The approach includes comparing existing EFH descriptions and supporting data to any new species or habitat information contained within recent Stock Assessment and Fishery Evaluation reports or other related investigations. The proposed review is also consistent with the Council's recently adopted Five Year Research Priorities, which call for furthering knowledge of federally managed fish and their habitats.

We recommend forming a staff team from the NMFS Regional Office, Alaska Fisheries Science Center, and Council staff to initiate the review process early in 2009 with a goal of identifying any appropriate revisions to the EFH information for Plan Team review by late 2009 and Council review by early 2010. Please review the enclosed draft and let us know if you have any suggestions for our proposed approach. We would be pleased to present this approach and



answer questions at the December Council meeting if you like. Again, our goal is to complete this EFH review as efficiently as possible while minimizing staff burdens and workload conflicts.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert D. Mecum". The signature is written in a cursive style with a large, prominent initial 'R'.

Robert D. Mecum  
Acting Administrator, Alaska Region

Enclosure

## **Review and Revision of EFH Components Within Fishery Management Plans (FMPs)**

DRAFT 9/5/08

This document proposes an approach for the National Marine Fisheries Service (NMFS) and the North Pacific Fishery Management Council to undertake a review of the Essential Fish Habitat (EFH) components of Council FMPs and determine whether any revisions are warranted.

### Background

The national regulations implementing the EFH provisions of the Magnuson-Stevens Act detail the mandatory contents of FMPs and specify that a complete review of all EFH information should be conducted at least once every 5 years. To ensure NMFS and the Council meet this condition, a review of EFH information is needed in 2010 (Table 1. Timeline). The most recent review was completed in 2005 (EFH FEIS) and updated the original EFH components of Council FMPs (EFH EA 1999).

*50 CFR 600.815 (a)(10)*

*Councils and NMFS should periodically review the EFH provisions of FMPs and revise or amend EFH provisions as warranted based on available information. FMPs should outline the procedures the Council will follow to review and update EFH information. The review of information should include, but not be limited to, evaluating published scientific literature and unpublished scientific reports; soliciting information from interested parties; and searching for previously unavailable or inaccessible data. Councils should report on their review of EFH information as part of the Annual Stock Assessment and Fishery Evaluation (SAFE) report prepared pursuant to § 600.315(e). A complete review of all EFH information should be conducted as recommended by the Secretary, but at least once every 5 years.*

The regulations state that Councils should review EFH information within annual Stock Assessment and Fishery Evaluation (SAFE) Reports. SAFEs for Council managed species compile the most recent scientific assessment and research strategies for groundfish, crab, salmon, scallop, forage fish, and marine habitats. Importantly, this scientific information and catch data by species are the basis for EFH descriptions.

### Proposed Approach

Existing EFH descriptions and Habitat Assessment Reports (EFH EIS Appendix F) will be the baseline for comparison against any new information from recent SAFEs or other appropriate sources. Should new information address an unknown or add to the existing EFH description, a new EFH description will be prepared and undergo review by stock assessment authors. Plan Teams will then have an opportunity to comment and provide feedback before any potential revisions proceed to the Council's Scientific and Statistical Committee (SSC) and Advisory Panel (AP) for discussion. Finally, the Council will recommend any changes or appropriate action.

Additionally, new technologies or concepts to describe EFH may come out of this process. For example, Pacific salmon EFH descriptions are very broad (from freshwater areas to the 200nm EEZ limit). In 2008, NMFS Headquarters offered a regionally competitive proposal process to address unknowns and ways to refine the EFH descriptions. The NMFS Alaska Region and Alaska Fisheries Science Center proposed a way to try to refine EFH for Pacific Salmon. Although the proposal was not funded, an excellent refinement strategy was drafted. It is possible that this concept, and perhaps others, could be further developed.

Finally, the review would examine the Evaluation of the Effects of Fishing on EFH (EFH EIS ..... Appendix B) to assess whether any substantial new information should be included to update the model that was used to assess the effects of fishing on EFH or the analysis that considered whether fish stocks show any evidence of adverse effects caused by fishing. Any potential revisions would be reviewed by the SSC, AP, and Council.

### Expectations

NMFS anticipates that a review of the EFH components of Council FMPs will not reveal a need for any substantial changes because 1) the comprehensive 2005 EFH FEIS updated EFH information through an analytical descriptive approach across all FMPs (BSAI & GOA Groundfish, BSAI Crab, Scallop, Salmon); 2) stock conditions have not changed dramatically within the past five years; 3) existing EFH descriptions account for some ecological variability under most environmental conditions. Thus, the 2010 5-year review will likely fill in small information gaps or allow for minimal refinements of EFH. As part of the process, it is hoped that new EFH descriptive concepts surface for future application.

### Draft Plan

- I. Initial contact between NPFMC, NMFS, and ADFG to identify primary staff, including stock assessment authors by plan or species expertise (Table 2).
- II. Primary staff compile EFH sections of SAFE reports to evaluate existing EFH information.
  - a. Determine if most recent information could change EFH descriptions by life history stage;
  - b. Identify information gaps and unknowns; for any gaps discuss conceptual approaches that could be further developed should information become available;
  - c. Identify whether any substantial new information is available to include in the model of the effects of fishing on EFH;
  - d. Identify whether any substantial new information is available to augment the EFH EIS analysis of whether fish stocks show any evidence of adverse effects caused by fishing.
- III. If substantial new information is available, then:
  - a. New EFH description(s) prepared for stock expert review.
  - b. Update analysis of the effects of fishing on EFH if warranted
  - c. Plan Team review and feedback
  - d. SSC and AP review and feedback
  - e. Council review and decisions
  - f. Document rationale behind any revisions or conclusions that no revisions are warranted.
- IV. FMPs updated with new EFH information as appropriate.

Table 1. Timeline

|      |                                                                                                       |
|------|-------------------------------------------------------------------------------------------------------|
| 2008 | Early Coordination between NMFS and NPFMC<br>Finalize Review Plan<br>Initial SAFE review(s)           |
| 2009 | Assess information gaps and new information.<br>Stock Expert Review<br>Plan Team Feedback             |
| 2010 | SSC, AP, and Council review<br>Final Council decision<br>Implement any changes through FMP amendment. |

Table 2. Primary Contacts

| Name             | Agency         | Title                         | Phone        | Email                     |
|------------------|----------------|-------------------------------|--------------|---------------------------|
| Diana Evans      | NPFMC          | Plan Coordinator              | 907.271.1283 | diana.evans@noaa.gov      |
| Matthew Eagleton | NMFS /<br>HCD  | EFH Coordinator               | 907.271.6354 | matthew.eagleton@noaa.gov |
| Mike Sigler      | NMFS /<br>AFSC | HEPR Program Leader           | 206.789.6094 | mike.sigler@noaa.gov      |
| Dan Ito          | NMFS /<br>AFSC | Deputy Division Chief, REFM   | 206.526.4232 | dan.ito@noaa.gov          |
| Sandra Lowe      | NMFS /<br>AFSC | Fishery Biologist             | 206.526.4230 | sandra.lowe@noaa.gov      |
| Craig Rose       | NMFS /<br>AFSC | Fishery Biologist             | 206.526.4128 | craig.rose@noaa.gov       |
| Doug Woodby      | ADFG           | Commercial Fisheries Division | 907.465.6115 | doug.woodby@alaska.gov    |
|                  |                | GOA Groundfish Stock Expert   | 206.526.???? |                           |
|                  |                | BSAI Groundfish Stock Expert  | 206.526.???? |                           |
|                  |                | BSAI Crab Expert              | 907.486      |                           |
|                  |                | Scallop Expert                | 907.         |                           |
|                  |                | Pacific Salmon Expert         | 907.789      |                           |