

North Pacific Fishery Management Council motion – EFH consultation policy

April 1, 2012

Process for Council involvement in the EFH consultation process

The Council requests regular reports from NMFS on EFH consultations that may be of interest to the fishing industry, and/or that may affect habitats of direct concern to the Council. The Council Chair and the Executive Director will identify a consistent schedule for requesting these reports from NMFS. The reports should focus on major consultations, with a brief summary of routine activities with minor effects on EFH. For activities that may have major effects on EFH, to the extent possible, NMFS should provide advance notice to the Council of these pending activities, so that the Council can choose whether or not to engage directly in the consultation. The following criteria should be used to guide the agency in determining whether the activity is likely to be of particular interest to the Council:

- The extent to which the activity would adversely affect EFH;
- The extent to which the activity would adversely affect Habitat Areas of Particular Concern or other areas established by the Council to protect sensitive habitat features;
- The extent to which the activity would be inconsistent with measures taken by the Council to minimize potential adverse effects of fishing on EFH; and
- The extent to which the activity would conflict with Council-managed fishing operations.

The Council will aim to provide its input during appropriate public comment periods. The Council notes that the vast majority of EFH consultations undertaken by NMFS are not actions on which the Council would feel the need to comment. This EFH consultation policy is not intended to create an additional clearance requirement (and potential for delay) in the permit process, rather it is intended to ensure that activities that are of relevance to the Council are brought to the Council's attention in a timely fashion and not overlooked.

The Council also encourages NMFS to report on their involvement in other non-fishing activities, outside of those that are captured under the EFH consultations, which may be of interest to the Council.