NOAA FISHERIES

Alaska Region

Essential Fish Habitat - EFH

An Introduction to EFH: Regulatory Authority, Descriptions, 5-Year Review, HAPC, and Consultations

May 25, 2017

What is Essential Fish Habitat?

Essential Fish Habitat (EFH) is defined as 'those waters and substrates necessary to fish for spawning, breeding, feeding or growth to maturity.'

EFH provisions are within the Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended through January 17, 2007.

- Section 305(b) of the MSA requires federal fishery management plans (FMPs) to: 1) identify EFH; 2) identify adverse effects from fishing and non-fishing activities; and 3) ensure conservation and enhancement of EFH.
- Section 305(b) requires Federal action agencies to consult with NOAA fisheries on activities that may adversely effect EFH.
- NOAA Fisheries is required to recommend measures to conserve EFH, however measures are advisory.

EFH Regulations

The EFH Final Rule (EFH FR) offers specific definitions, coordination, and consultation procedures for actions that may adversely effect EFH. (*67 FR 2343, January 17, 2002*)

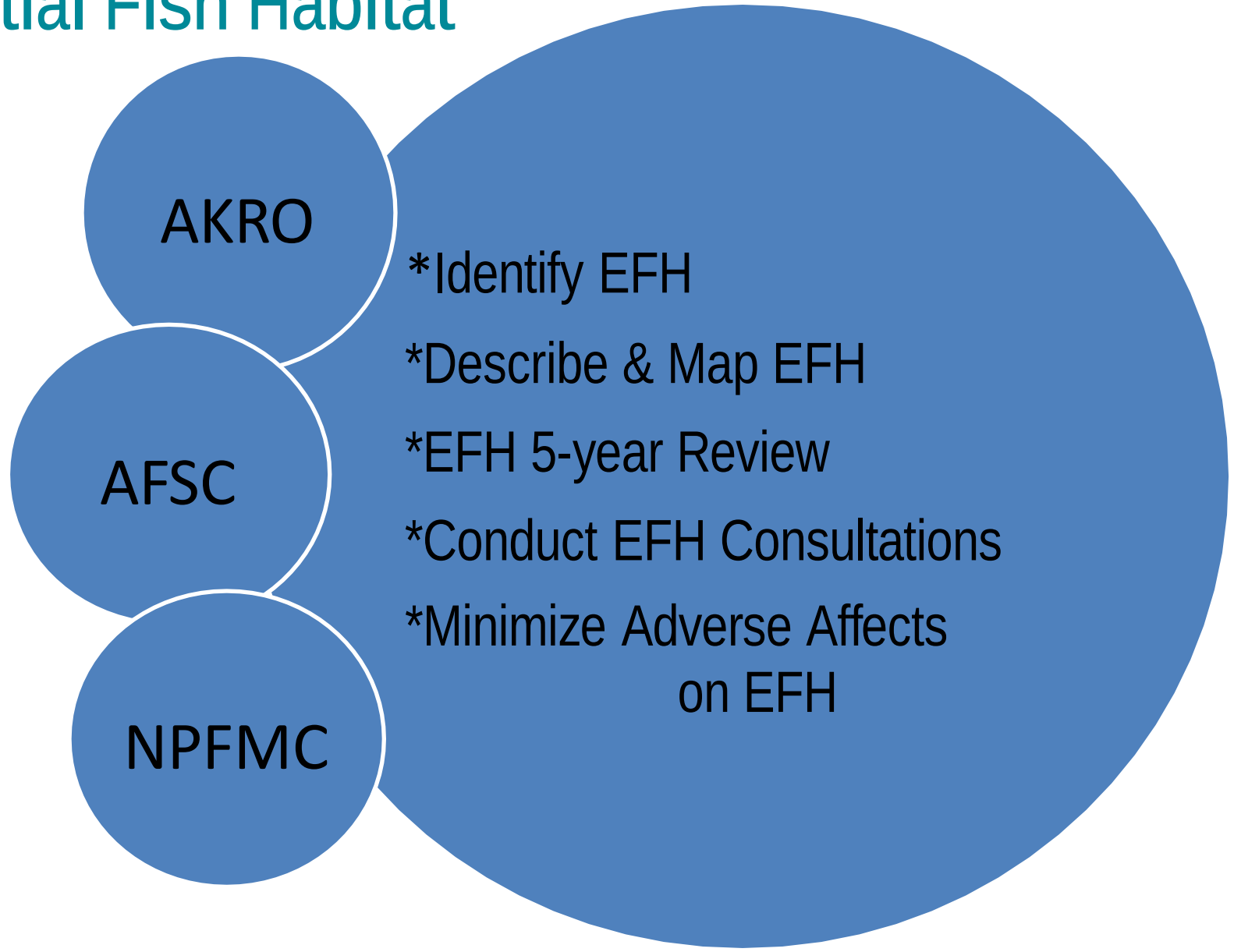
Importantly, the EFH FR established regulations that require the inclusion of 10 components in each Fishery Management Plan (FMP).

Ten Components:

1. EFH Descriptions
2. Fishing Activities
3. Non-Magnuson Act Fisheries Activities
4. Non-fishing Activities
5. Cumulative Impacts
6. EFH Conservation Recommendations
7. Prey Species
8. Habitat Areas of Particular Concern
9. Research Needs
10. A review EFH every five years.

(50 CFR Part 600; pages 2343-2383)

Essential Fish Habitat



NOAA FISHERIES

Alaska Region

EFH Information and Description

May 24, 2017

What are EFH Species?

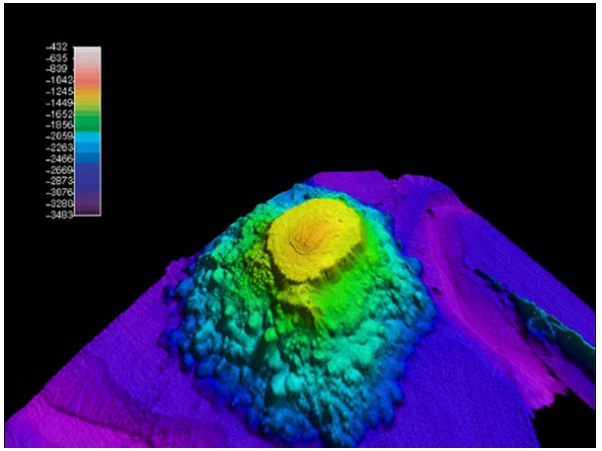
- Each FMP must identify EFH for all fish species managed under a fishery management unit.

- In Alaska, six FMPs exist:
  1. Groundfish of the Bering Sea and Aleutian Islands
  2. Groundfish of the Gulf of Alaska
  3. Bering Sea/Aleutian Islands King and Tanner Crab
  4. Scallop Fishery off Alaska
  5. Salmon Fisheries in the EEZ Off Alaska
  6. Fish Resources of the Arctic

EFH Descriptions

- 60+ stocks in 6 FMPS
  - 24 BSAI Groundfish
  - 22 GOA Groundfish
  - 5 BSAI Crab
  - 1 Scallop
  - 5 Pacific Salmon
  - 2 Arctic fishes and one crab
- 120+ EFH Text Descriptions
  - 40+ BSAI Groundfish life stages
  - 40+ GOA Groundfish life stages
  - 10 BSAI crab life stages
  - 2 Scallop life stages
  - 30 salmon life stages

What Does EFH Look Like?



EFH Descriptions

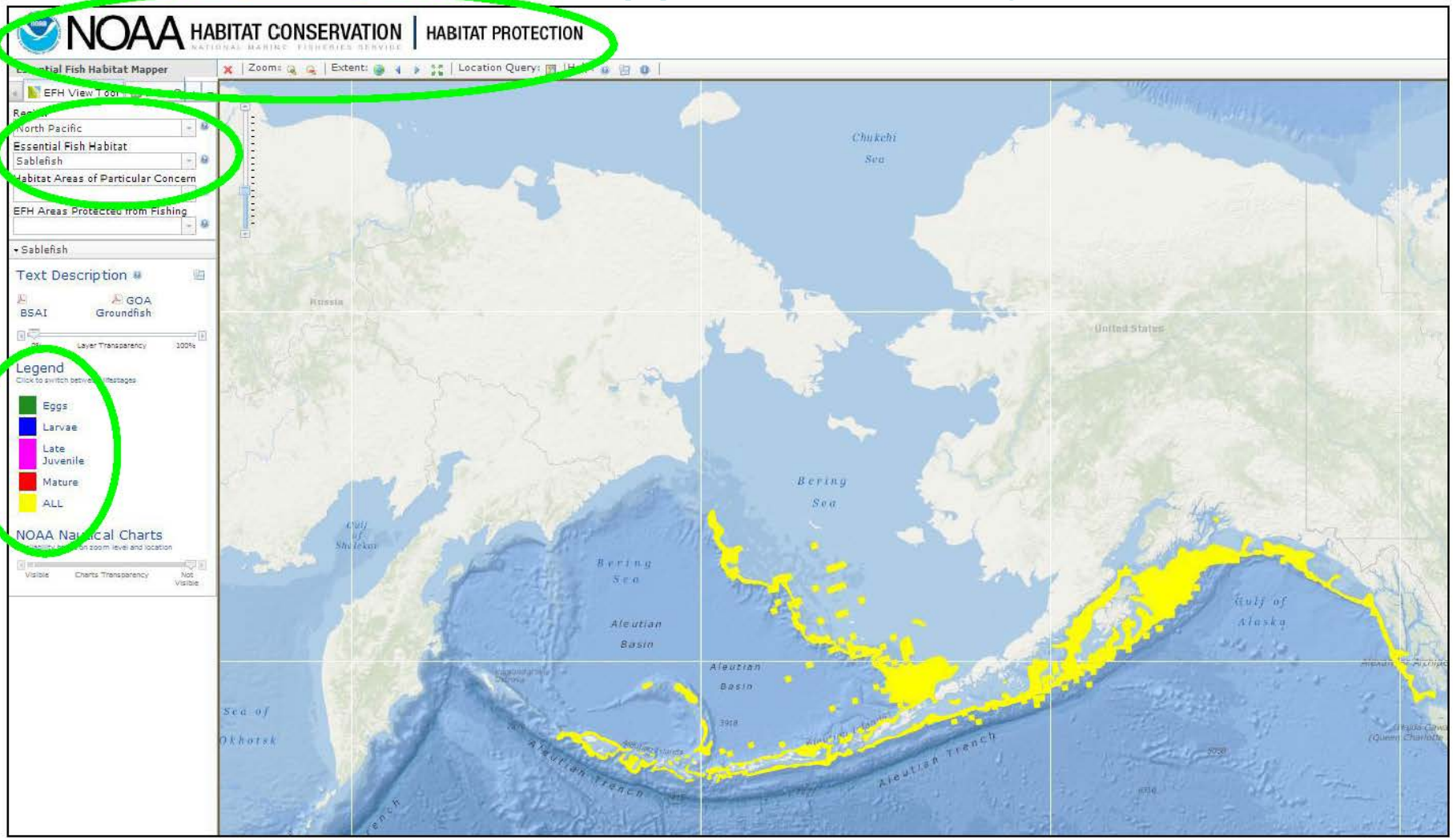
- EFH is described by text and map descriptions using the most recent and best scientific information available for each stock.

- EFH Text: is the legal definition for EFH and serve as the 'basis' for effect determinations. EFH Text describes the physical & biological environment and the location of EFH for each species by life history stage, if known.

- EFH Maps: compliment EFH Text Descriptions, are developed by an analytical method, and spatially represent the area of EFH (*EFH Mapper*).

- Importantly, each EFH Description undergoes stock assessment author review to ensure accuracy; this includes the deletion of data outliers and the inclusion of any missed information.

EFH Mapper Main Page

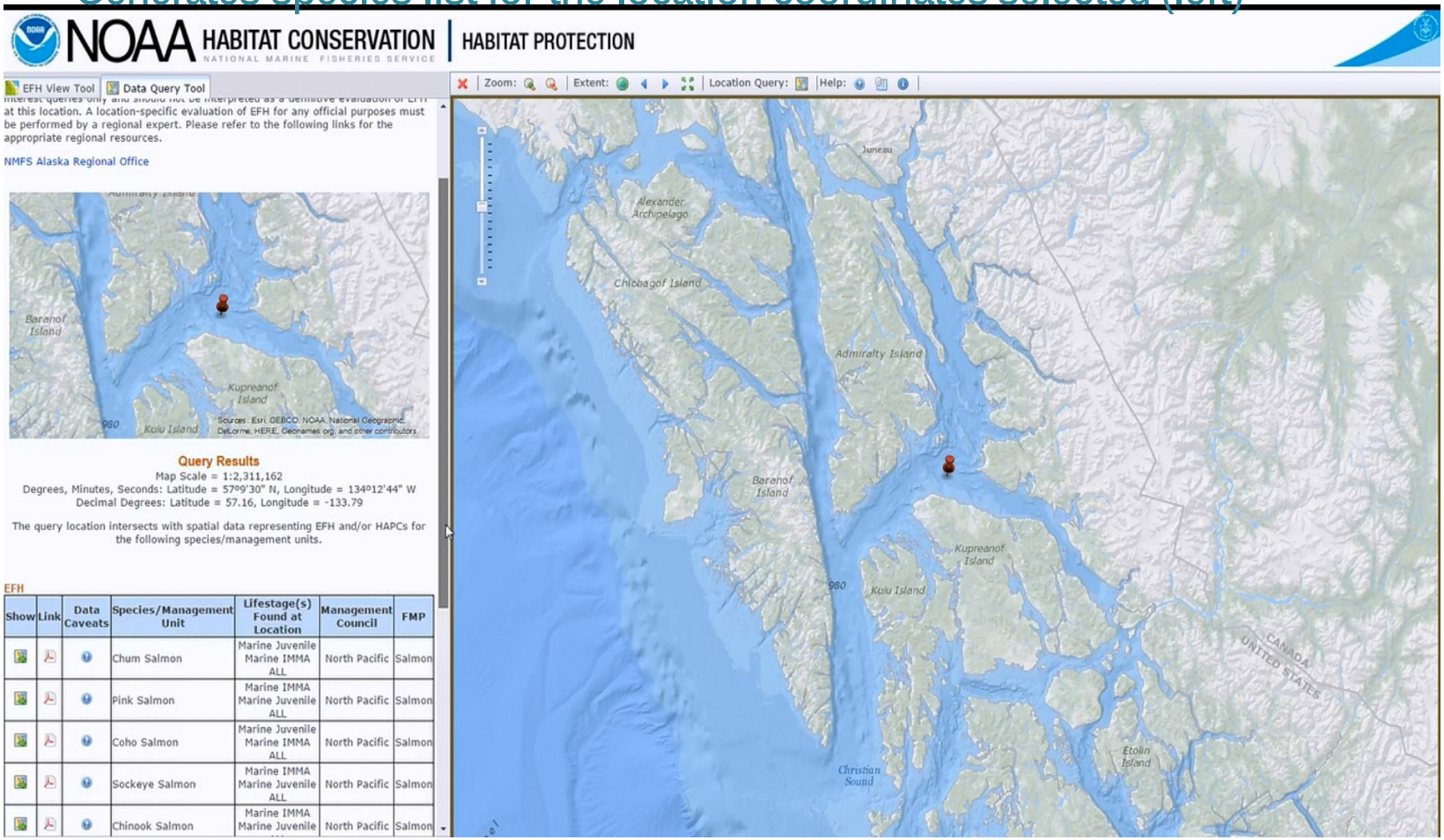


http://www.habitat.noaa.gov/protection/efh/efhmapper/

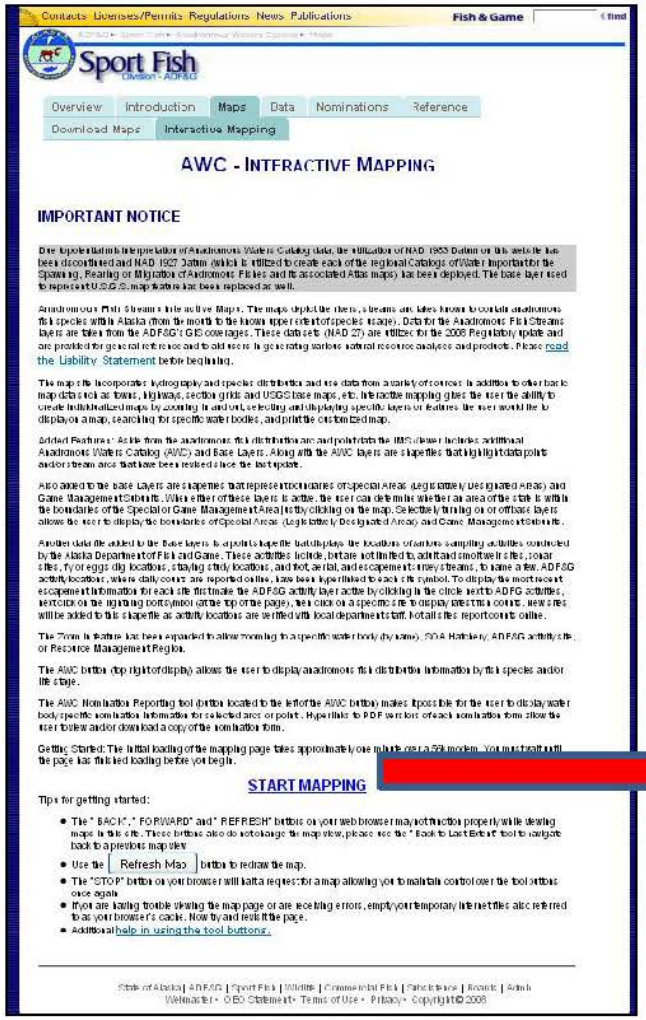
How to Use EFH Mapper

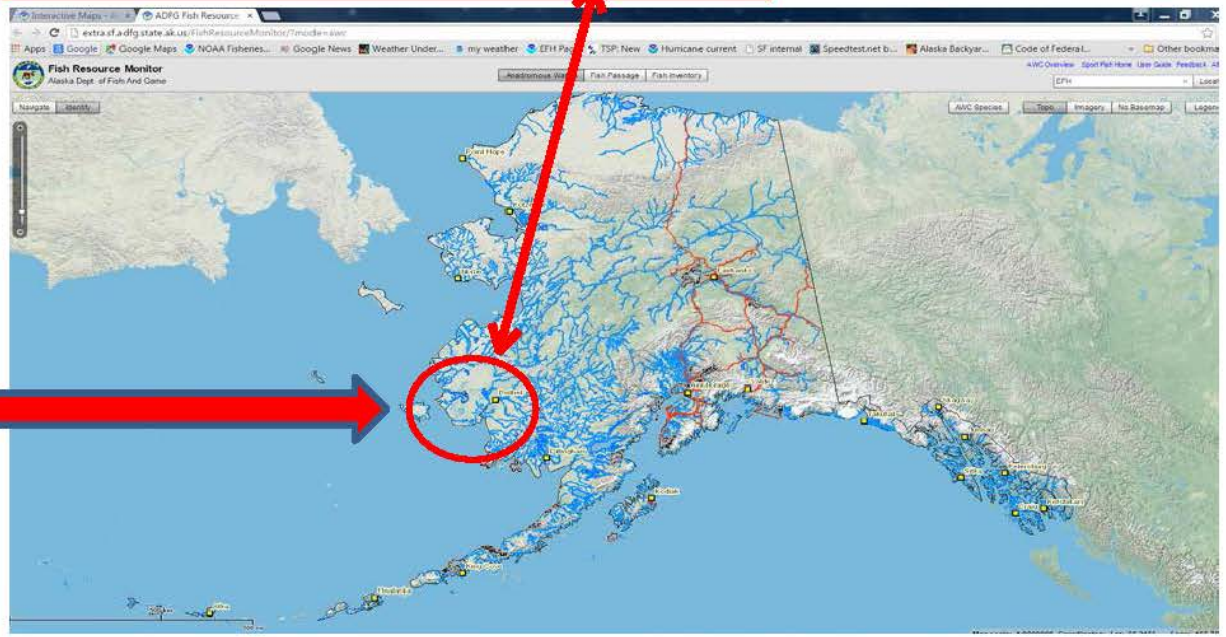
--Select '*Activate Location Query*' for a section of the Map

--Generates species list for the location coordinates selected (left)



ADF&G Freshwater Salmon EFH





http://extra.sf.adfg.state.ak.us/FishResourceMonitor/?mode=awc

NOAA FISHERIES

May 25, 2017

HAPCs in Alaska Region

HAPCs are smaller habitat areas within EFH that meet at least two of the four considerations below:

(i) The importance of the ecological function provided by the habitat;
(ii) The extent to which the habitat is sensitive to human-induced environmental degradation;
(iii) Whether, and to what extent, development activities are, or will be, stressing the habitat type;
(iv) The rarity of the habitat type

***Rarity is a mandatory criterion of all Council HAPC proposals.

HAPCs in Alaska Region

Within Alaska, HAPCs must meet the rarity consideration and address a management need or priority, as established by our regional fishery management council.

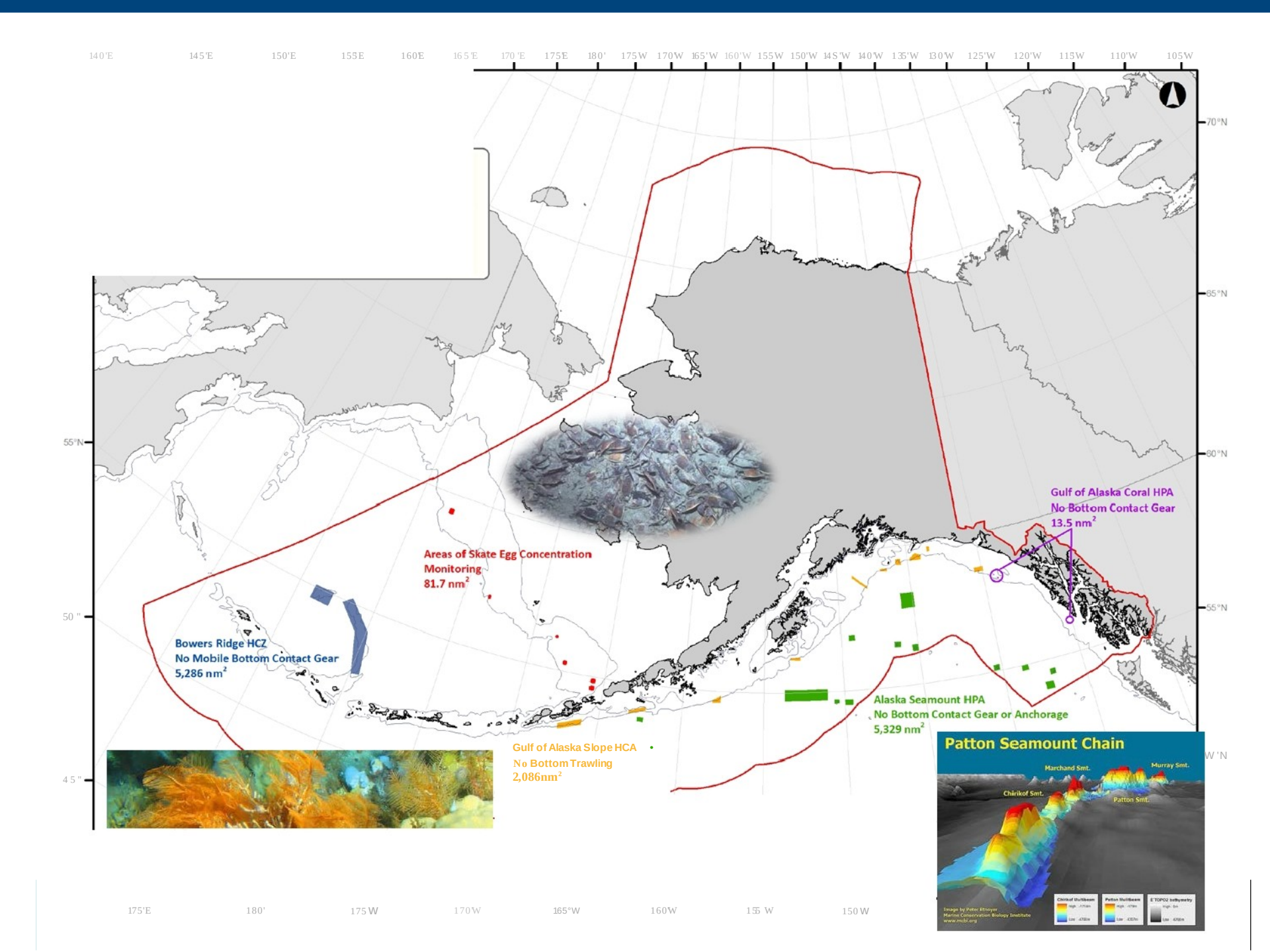
HAPCs in Alaskan waters:

- Areas where rockfish associate with high-relief long–lived habitat structure (corals and sponges), such as Bower's Ridge (2006)
- Named Seamounts (2006)
- Skate Nursery Areas in the Bering Sea (2015)

HAPC sites are nominated through a Public Call for Nominations. The proposal based process coincides with the EFH 5-Year Review.

HAPCs in Alaska

HAPC	Individual HAPC's	Total Area Size	Fishery Management Application	Specific Regulation
Alaska Seamount Habitat Protection Areas	Dickens Seamount	5,300 nm^2	No federally permitted vessel may fish with bottom contact gear[i]. 50 CFR 679.22(a)(12)	Federal Register 50 CFR Part 679 Volume 71, No.124 Wednesday, June 28,2006 http://www.fakr.noaa.gov/frules/71fr36694.pdf
Bowers Ridge Habitat Conservation Zone	Bowers Ridge Ulm Plateau	5,330 nm^2	No federally permitted vessel may fish with mobile bottom contact gear [ii]. 50 CFR 679.22(a)(15)	Same as above
Gulf of Alaska Coral Habitat Protection Areas	Cape Ommaney 1	14 nm^2	No federally permitted vessel may fish with bottom contact gear [iii]. 50 CFR 679.22(b)(9)	Same as above
Gulf of Alaska Slope Habitat Conservation Areas	Yakutat	1,892 nm^2	No federally permitted vessel may fish with nonpelagic trawl gear [iv]. 50 CFR 679.22(b)(10)	Same as above
Skate Nursery Areas	Bering 1	81.7 nm^2	Monitoring Priority	Federal Register Vol. 80, No.6 Friday, January 09, 2015 http://alaskafisheries.noaa.gov/frules/80fr1378.pdf


Areas of Skate Egg Concentration
Monitoring
81.7 nm²
Gulf of Alaska Coral HPA
No Bottom Contact Gear
13.5 nm²
Bowers Ridge HCZ
No Mobile Bottom Contact Gear
5,286 nm²
Alaska Seamount HPA
No Bottom Contact Gear or Anchorage
5,329 nm²
Gulf of Alaska Slope HCA
No Bottom Trawling
2,086nm²
Patton Seamount Chain
Marchand Smt.
Murray Smt.
Chirikof Smt.
Patton Smt.

No HAPC Consideration in 2015-2017

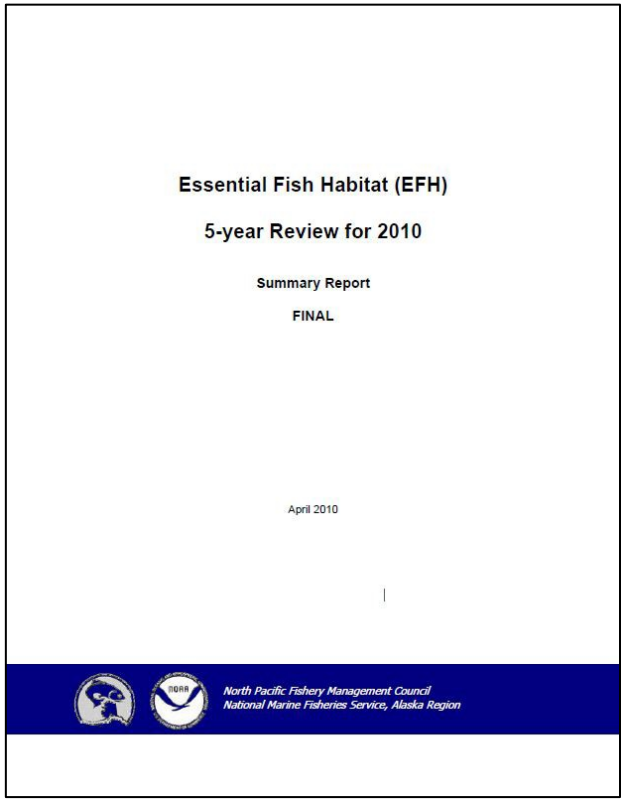
In April 2017, the Council considered initiating a HAPC process to coincide with the EFH review. The Council:

- Chose not to initiate the HAPC process and to maintain status quo as part of the 2015 EFH Review.
- Noted they had no information about any specific species or sites to warrant imitation a HAPC process.
- Noted that should information arise the Council could initiate a HAPC process at any time in the future.

NOAA FISHERIES

May 25, 2017

EFH 5-Year Review



The EFH Five Year Review is the mechanism (or roadmap) to ensure NOAA Fisheries and Fishery Management Councils incorporate the most recent and best science available into fishery management for EFH.

A review of EFH occurs every 5-years for each FMP (2000, 2005, 2010, 2015,……)

The 2015 EFH 5-Year Review evaluated recent scientific information, assessed information gaps and research needs, and identified specific revisions.

For example the 2015-17 EFH 5-year review resulted in:

- New information and methods to refine EFH descriptions and maps.
- New Fishing Effects (FE) model that utilizes the best available science.
- New non-fishing impacts analysis, including advisory EFH Conservation Recommendations including sections on ocean acidification, climate change, and ecosystem processes.

NOAA FISHERIES

May 25, 2017

EFH Consultation – Why?

- ✓ Legal: Satisfies the legal requirement for Federal action agencies to comply with the MSA.
- ✓ Mechanism: Creates a transparent discussion of the effects that Federal actions may have on marine resources that are necessary to sustain habitats that support federally-managed fish stocks.
- ✓ Desired Result: Decisions support the continued productivity of sustainable fishery resources.

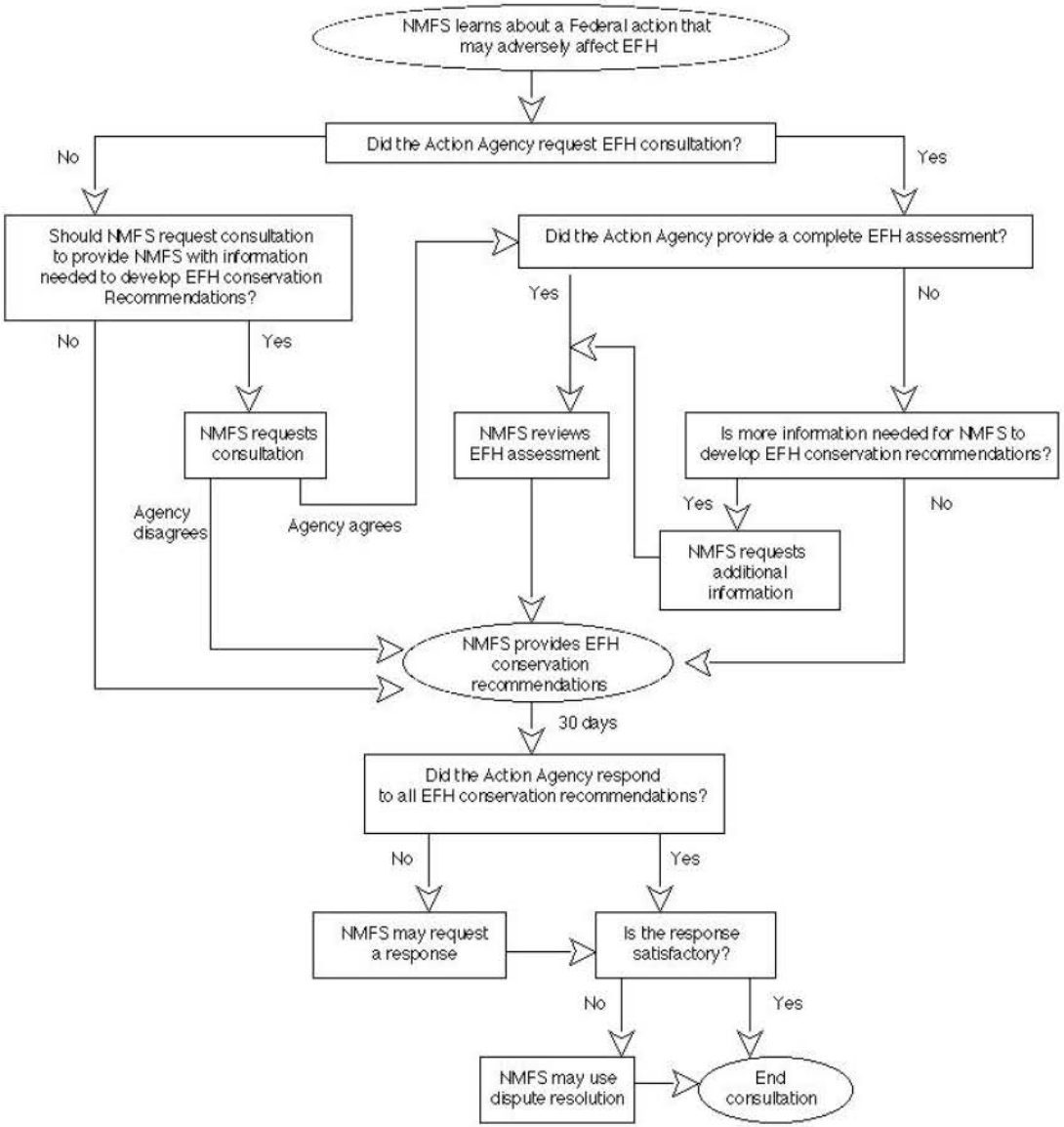
EFH Consultation Basics

- ✓Regulatory process with specific steps and languages.
- ✓Creates a coordinated dialogue between Federal agencies.
- ✓Allows Action agencies to make an informed decision.
- ✓Strives to address any inconsistencies at the staff level.
- ✓Consultations result in science-based EFH recommendations.

EFH Consultation – Process Overview

- ✓ Federal action agency determines whether or not their actions may adversely affect EFH.
- ✓ An EFH Assessment is required if an action may adversely affect EFH
- ✓ NOAA Fisheries reviews any EFH Assessment and provides conservation recommendations, if required.
- ✓ Federal agency responds to NOAA Fisheries as to whether or not they accept the Conservation Recommendations.
- ✓ NOAA Fisheries may ask for an expanded consultation, if needed.

NMFS Decision Tree for EFH Consultations



EFH Consultation- Initiation

What triggers an EFH Consultation?

- An EFH Consultation is triggered when a Federal agency, or its designee, determines that an action authorized, funded, or undertaken by the agency may adversely affect EFH.

What is the definition of 'adverse affect'?

- An 'adverse effect' is any impact that reduces the quality and/or quantity of EFH [*50 CFR 600.810(a)*].

EFH Consultation - Action

What types of activities may adversely affect EFH?

- **Fishing activities**, such as certain gears use or fishing in sensitive areas.

- **Non-fishing activities**, such as development projects (roads, airports), marine resource extraction (oil and gas, seafloor mining), discharges (hazardous spills, seafood, sewage), etc… that may adversely affect EFH.

Can EFH Assessments be combined with other Federal consultations or environmental review processes?

- **Yes.** NOAA Fisheries strongly encourages such efforts to streamline the consultation process. National Environmental Policy Act (NEPA), Clean Water Act (Corps 10/404 Permits), Endangered Species Act (ESA), and Federal Power Act (FPA).

EFH Consultation Determination

- The Federal agency, or its official designee, determines whether its actions may adversely affect EFH.
  - If an action will not adversely affect EFH, then the agency should document a determination in its record. There is no requirement to contact NOAA Fisheries for no affect determinations.
  - If the agency determines that an action may adversely affect EFH, the action agency must prepare an EFH Assessment and submit to NOAA Fisheries at least 60 days prior to any final decision.
  - If actions are similar in type, the Federal action agency and NOAA Fisheries may issue a programmatic 'finding' that includes conservation recommendations for that action instead of conducting multiple individual consultations.

EFH Assessment

- An EFH Assessment is required for actions that may adversely affect EFH.
  - EFH Assessment is an objective review of the potential impacts of the action on EFH and the level of detail is to be commensurate with the level of potential effect.

- An EFH Assessment must include:
  - a description of the action;
  - an analysis of the potential adverse effects of the action on EFH and the managed species;
  - the agency's conclusions regarding the effects of the action on EFH proposed; and,
  - proposed mitigation, if applicable.

NOAA Fisheries' Response

- NOAA Fisheries will review the EFH Assessment and provide EFH Conservation Recommendations, if necessary, to the action agency.

- Should NOAA Fisheries determine the action will not adversely affect EFH, NOAA Fisheries will notify the Federal agency either informally* or in writing.

* Informal communication is not specified and may include notification by phone or email.

EFH Conservation Recommendations

- The Federal action agency is required to reply as to whether or not the agency agrees or disagrees with any offered EFH Conservation Recommendations within 30 days.

- For any disagreements, the Federal action agency must provide NOAA fisheries with specific explanation, including scientific justification, for not following the EFH Conservation Recommendations.

How are disagreements settled?

First, discrepancies should be discussed at staff levels. Should concerns still exist, NOAA Fisheries may request the head of each Federal Agency meet to resolve any disagreement(s).

EFH Consultation – Complete

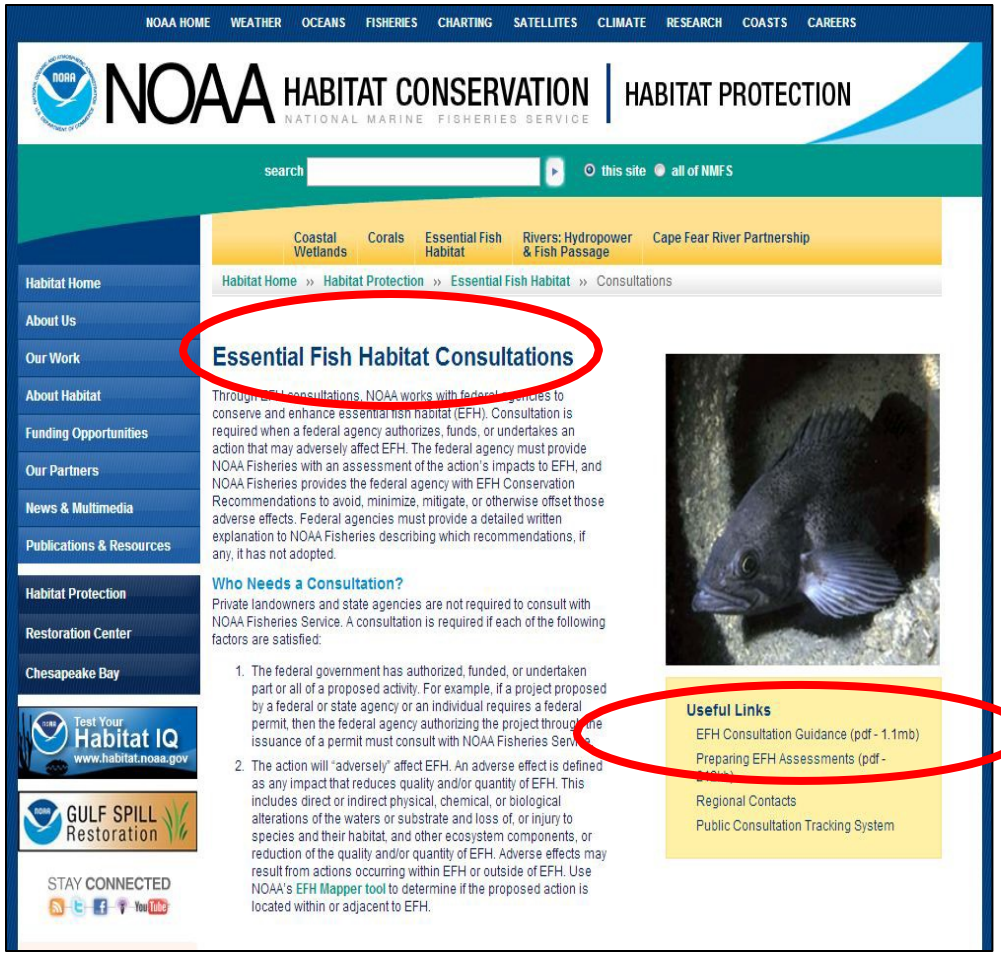
Are Federal action agencies required to accept NOAA Fisheries' EFH Conservation Recommendation(s)?

- No. EFH recommendations are advisory and non-binding to the Federal action agency. However, the process must be followed.

When is EFH Consultation complete or satisfied?

- NOAA Fisheries may ask for an expanded consultation, if needed.
- EFH consultation is complete when the Federal action agency and NOAA Fisheries agree on EFH Conservation Recommendations.

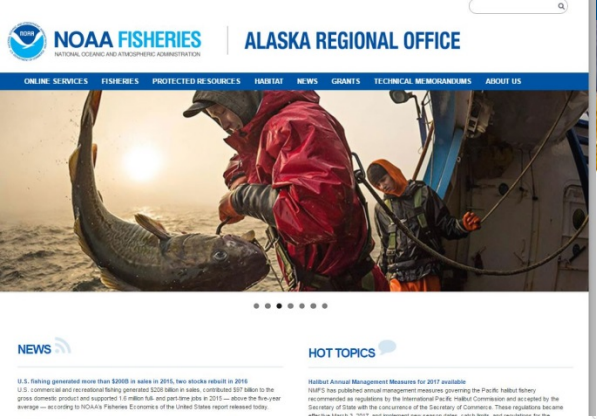
EFH Consultation Guidance

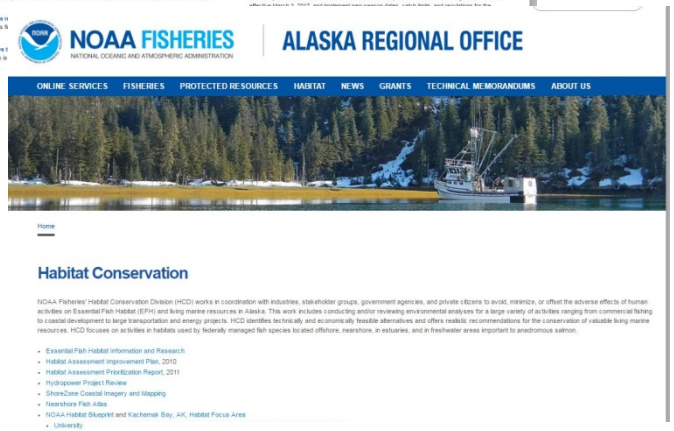


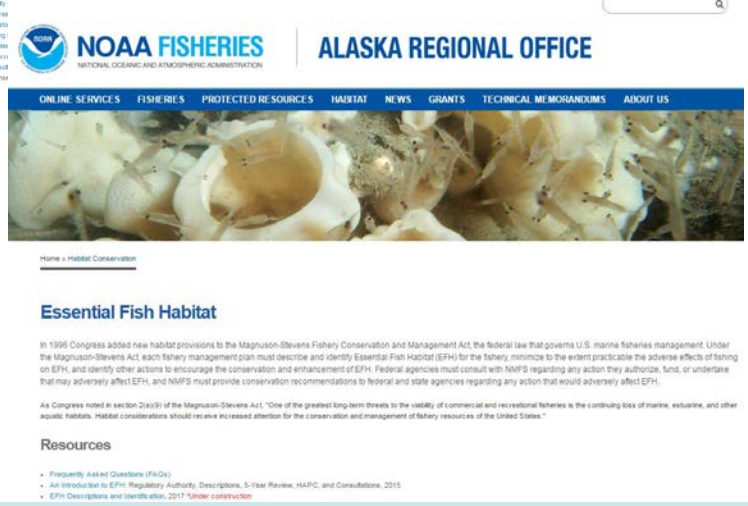
http://www.habitat.noaa.gov/pdf/efhconsultationguidancev1_1.pdf

NOAA FISHERIES

May 25, 2017







NOAA Fisheries Alaska Regional Website

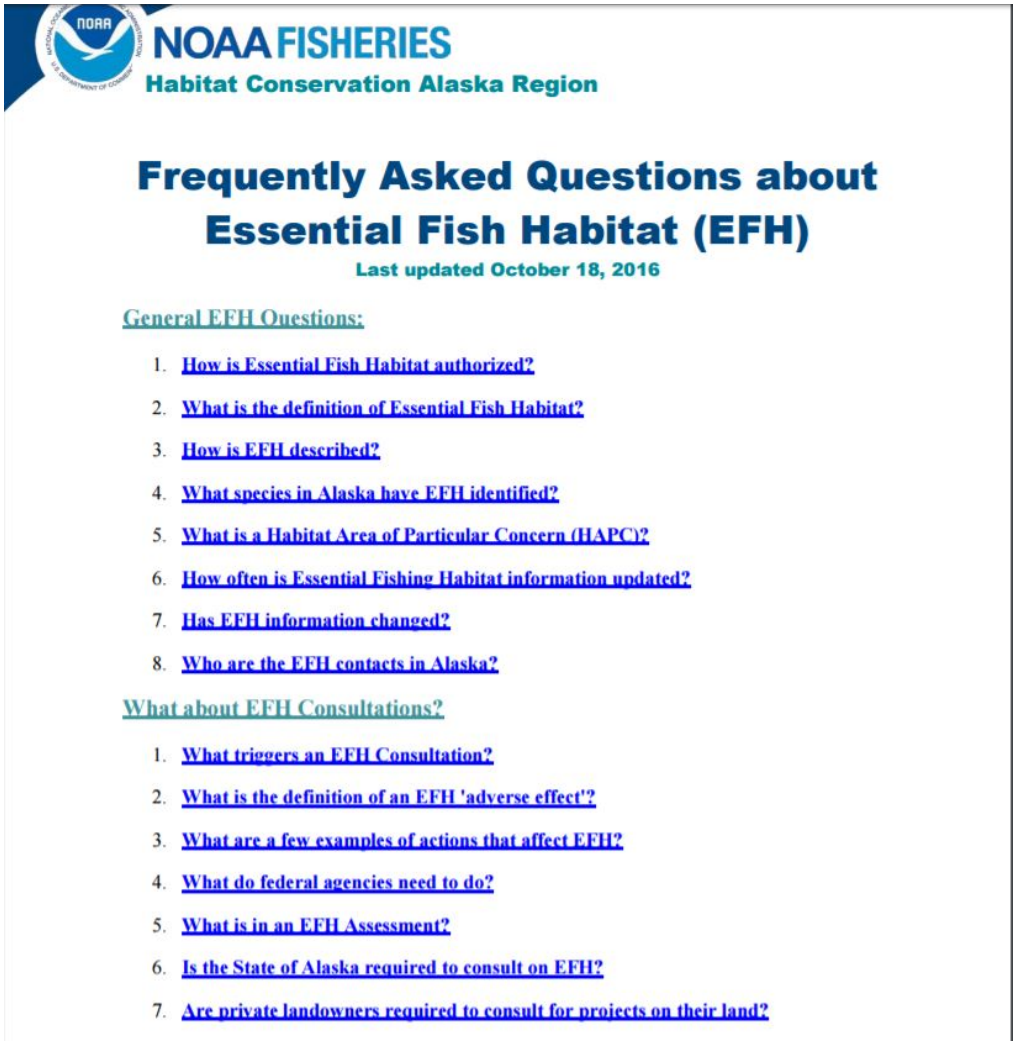
https://alaskafisheries.noaa.gov/habitat/

Habitat Conservation Tab

Essential Fish Habitat Tab

Frequently Asked Questions
EFH: An Introduction
EFH Regulations
EFH Descriptions and Identification
Final EIS for EFH Identification and Conservation in Alaska
Impacts to EFH from Non-fishing Activities in Alaska
Maps (EFH Mapper, Shorezone, Fish Atlas, T&E Species, ADF&G Anadromous Catalog)
EFH Consultation Guidance EFH Assessment Guidance EFH
Consultations and Letters

EFH Information – FAQ's



NOAA FISHERIES
Habitat Conservation Alaska Region

Frequently Asked Questions about Essential Fish Habitat (EFH)

Last updated October 18, 2016

General EFH Questions:

1. How is Essential Fish Habitat authorized?
2. What is the definition of Essential Fish Habitat?
3. How is EFH described?
4. What species in Alaska have EFH identified?
5. What is a Habitat Area of Particular Concern (HAPC)?
6. How often is Essential Fishing Habitat information updated?
7. Has EFH information changed?
8. Who are the EFH contacts in Alaska?

What about EFH Consultations?

1. What triggers an EFH Consultation?
2. What is the definition of an EFH 'adverse effect'?
3. What are a few examples of actions that affect EFH?
4. What do federal agencies need to do?
5. What is in an EFH Assessment?
6. Is the State of Alaska required to consult on EFH?
7. Are private landowners required to consult for projects on their land?

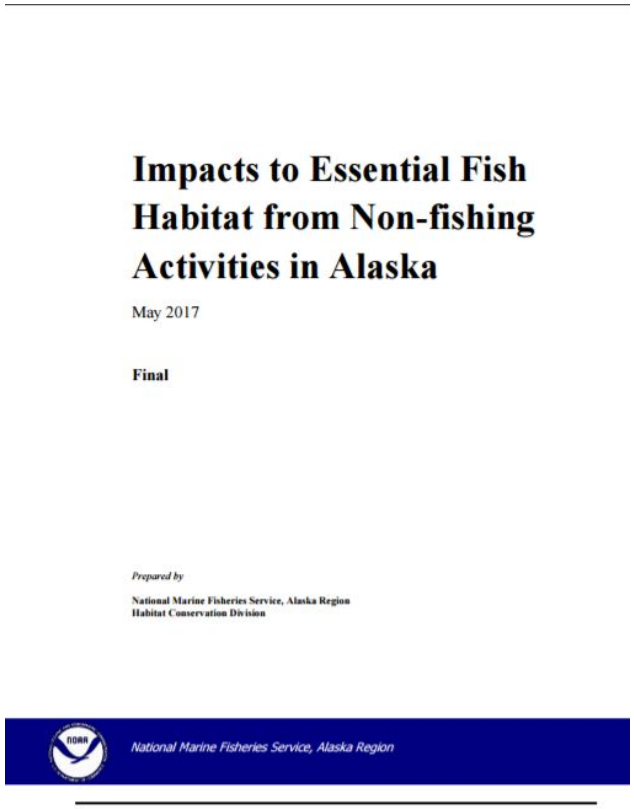
http://alaskafisheries.noaa.gov/habitat/efh/faq.htm

Impacts to EFH from Non-Fishing Activities

- In 2017, staff from the Habitat Conservation Division prepared the reference document:

  Impacts to Essential Fish Habitat from Non-fishing Activities in Alaska (May 2017).

- The document:
  - describes numerous non-fishing activities in Alaska.
  - provides specific EFH Conservation Recommendations; ones that NOAA Fisheries may offer during EFH consultation for any adverse effects on EFH.



On-line information sources are available:

HCD Information and Staff

http://www.alaskafisheries.noaa.gov/habitat

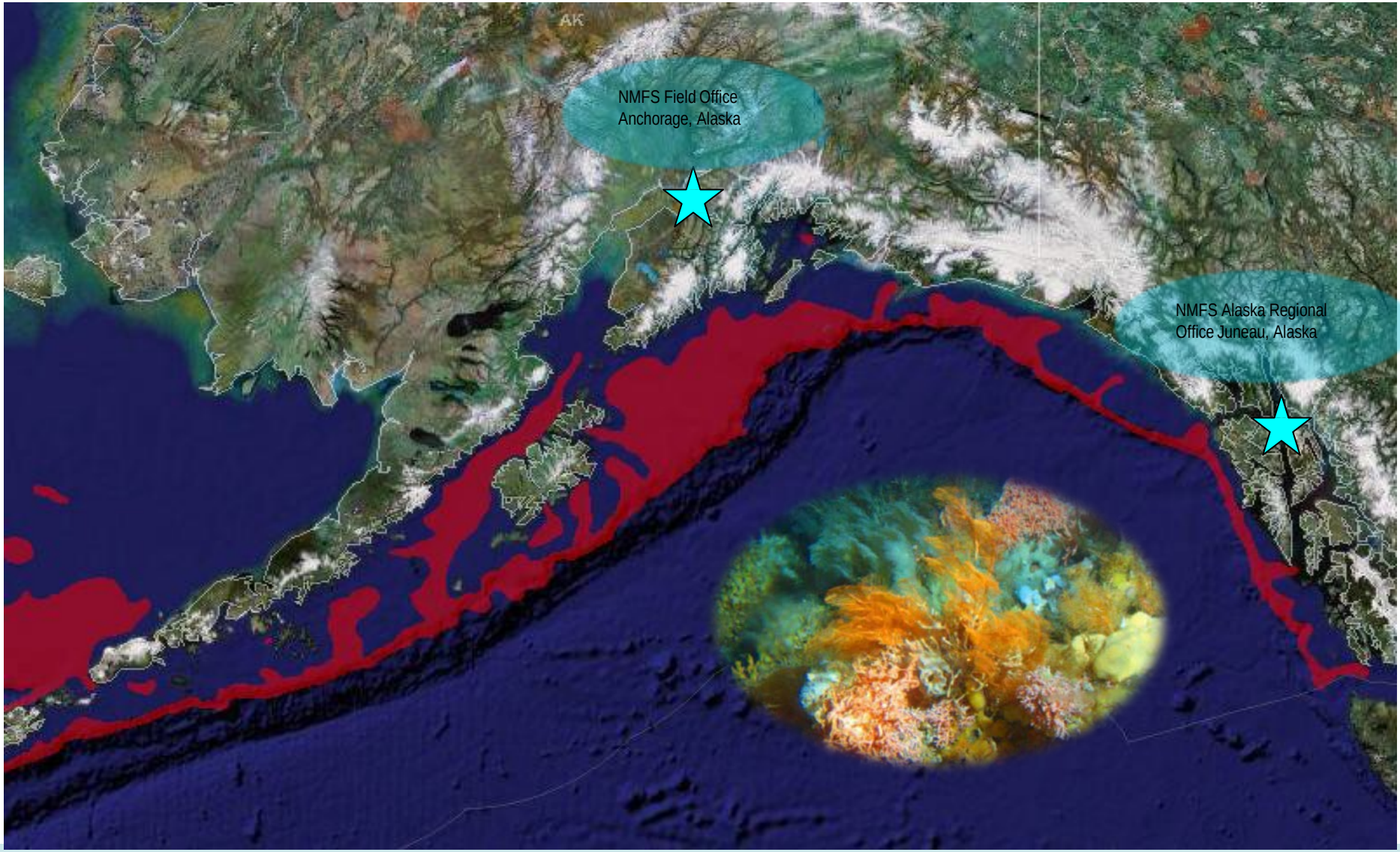
EFH Web-based Mapping

http://www.habitat.noaa.gov/protection/efh/efhmapper

Other statutes and authorities NOAA Fisheries uses to conserve, protect, and restore marine habitats.

http://www.habitat.noaa.gov/aboutus/statutoryauthorities.html

Essential Fish Habitat Offices, AK



Alaska Regional Office Contacts

Matthew Eagleton
Alaska Regional Essential Fish Habitat Coordinator
matthew.eagleton@noaa.gov
907-271-6354

Gretchen Harrington
Acting Assistance Regional Administrator for Habitat Conservation
gretchen.harrington@noaa.gov
907-586-7445

May 25, 2017