

Draft EFH Motion October 12, 2003

Essential Fish Habitat

EFH description: The Council adopts Alternative 3 as the Preliminary Preferred Alternative.

HAPC approach: The Council adopts Alternative 3, the site-based concept, as the Preliminary Preferred Alternative.

Minimization of fishing effects on EFH: The Council adopts Alternative 1, status quo habitat protections, as the Preliminary Preferred Alternative.

HAPC Proposal and Review Process

Criteria for consideration of HAPCs:

The following criteria were established for consideration of HAPC proposals. HAPC proposals would be required to meet at least two of the four HAPC considerations (criteria) established in the EFH Final Rule: importance of ecological function, sensitivity, vulnerability, and rarity. Rarity will be a mandatory criterion of all HAPC proposals.

Council priorities for initial (2003) Request for HAPC Proposals:

The Council believes that concrete and realistic priorities need to be set for this initial HAPC RFP process, and for each subsequent cycle. Experience in 2002, the large number of broad and expansive HAPC proposals brought forward by the public (absent any call for proposals), underscores the need for prioritization in order to move forward expeditiously with the designation and possible protection of HAPCs.

The Council recommends that the priorities for HAPC proposals should focus on specific sites within two specific priority areas for the November 1, 2003 – January 10, 2004 call for proposals:

1. Seamounts in the EEZ, named on NOAA charts, that provide important habitat for managed species.
2. Largely undisturbed, high relief, long lived hard coral beds, with particular emphasis on those located in the Aleutian Islands, which provide habitat for life stages of rockfish, or other important managed species. Nominations shall be based upon best available scientific information, and include the following features:
 - a) Sites must have likely or documented presence of FMP rockfish species.
 - b) Sites must be largely undisturbed and occur outside core fishing areas

The Council may establish HAPC's for a representative subset of those areas identified through HAPC proposals.

Proposal prioritization:

Submitted proposals will be ranked according to how many of the four HAPC considerations they meet, with the highest ranking given to those proposals that meet all four.

Review and Stakeholder process:

The Council will utilize its normal public process in the review of HAPC proposals, including the use of Plan Teams, which are comprised of scientists and managerial expertise. The following section will replace the existing section 6 portion of section J of the EIS:

Call for proposals for HAPC Process

- (1) HAPC proposals will be solicited every three years, and
- (2) on the same schedule as the regular plan or regulatory amendment schedule, and
- (3) HAPC site proposals will be focused on specific HAPC priority areas designated by the Council.

Any member of the public may propose a HAPC, including fishery management agencies, other government agencies, scientific and educational institutions, non-governmental organizations, communities, industry groups.

The format for a HAPC proposal should include:

- Name of proposer, address, and affiliation
 - Title of proposal: Provide a title for the HAPC proposal and a single, brief paragraph concisely describing the proposed action.
 - Identification of the habitat and FMP species the HAPC proposal is intended to protect.
 - Statement of purpose and need.
 - A description of whether and how the proposed HAPC addresses the four considerations set out in the final EFH regulations.
 - Specific objectives for this proposal, including proposed management measures and their specific objectives, if appropriate.
 - Proposed solutions to achieve these objectives (how might the problem be solved)
 - Methods of measuring progress towards those objectives.
 - Expected benefits to the FMP species of the proposed HAPC, and supporting information/data.
 - Identification of the fisheries, sectors, stakeholders and communities to be affected by the establishment of the proposed HAPC (Who benefits from the proposal and who would it harm?) and any information you can provide on socioeconomic costs, including catch data from the proposed area over the last five years.
 - Clear geographic delineation for proposed HAPC (written latitude and longitude reference points and delineation on an appropriately scaled NOAA chart)
 - Provide best available information and sources of such information to support the objectives for the proposed HAPC. (Citations for common information or copies of uncommon information)
- Proposals screened by Council staff to determine consistency with EFH Final Rule and application completeness. If not consistent or complete, the proposal is rejected. If accepted, the proposal is forwarded to the next step.

- Proposals reviewed by Plan teams.

The Council refers proposals to the appropriate plan teams. The teams evaluate the proposals for ecological, socio-economic, management, and for practicability. The plan teams rank the proposals using a system like the matrix illustrated below, and makes their recommendations directly to the Council. The Council may refer the proposals to the enforcement committee or other technical team for review.

- Evaluation of Candidate HAPC's:

The teams should evaluate each proposal on the basis of how well it meets the Council HAPC priorities, the requirements established above for formatting the proposals, the four considerations for HAPC set forth in the EFH final rule, and determine whether designation and any management measures are warranted. The teams should give all considerations equal attention.

In the NPFMC Environmental Assessment of Habitat Areas of Particular Concern (NPFMC 2000), proposed HAPC types and areas were evaluated using a ranking system that provided a relative score to the proposed HAPCs by weighing them against the four considerations established in the EFH final rule.

Two more columns will be added to the matrix. One column is to score the level of socio-economic impact, with the lower the impact, the higher the score. The final column is to score the level of likelihood

that the proposal will successfully address the identified problem of the FMP species. To arrive at this score, reviewers must consider the known information on the relative linkage of the habitat function to the health and productivity of the FMP species.

The “Data Level” column should be modified to be “Level and Certainty of Data” to reflect not only the amount of data available, but also the scientific certainty of the information supporting the proposal.

A written description should accompany the ranking so it is clear what data, scientific literature, and professional judgments were used in determining the relative score.

Evaluation matrix of proposed HAPC types and areas, with example proposals for illustration only. (NPFMC 2000)

Proposed HAPC area	Data Level	Sensitivity	Exposure	Rarity	Ecological Importance
Seamounts and Pinnacles	1	Medium	Medium	High	Medium
Ice Edge	3	Low	Low	Low	High
Continental Shelf Break	3	Medium	Medium	Low	High
Biologically Consolidated Sediments	1	Low	Medium?	Low	Unknown

- Socioeconomic and other criteria:

The EFH mandate states that EFH measures are to minimize impacts on EFH “to the extent practicable” so socioeconomic considerations have to be balanced against expected ecological benefits at the earliest point in the development of measures. NMFS’ final rule for developing EFH plans states specifically that (Section (2) ii F.R. page 2378) FMPs should “identify a range of potential new actions that could be taken to address adverse effects on EFH, include an analysis of the practicability of potential new actions, and adopt any new measures that are necessary and practicable”. In contrast to a process where the ecological benefits of EFH or HAPC measures are the singular initial focus and a later step is used to determine practicability, this approach would undertake the consideration of practicality simultaneously.

Specifically, HAPC proposals should be rated on their identifying as extensively as possible the exact locations that would be affected if the proposed HAPC mitigation measures were implemented. Proposals should also be rated on their identifying affected fishing communities and the potential effects on those communities, employment and earnings in the fishing and processing sectors, and related infrastructure.

Management and enforcement will also need representation in the review, to evaluate general management cost and enforceability of individual proposals.

- Council selection of HAPC proposals for analysis, to address Council priorities if identified.

- Stakeholder input

The Council retains the authority to set up a stakeholder process as appropriate to obtain input on proposals.

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- Technical reviews
The Council retains the authority to obtain additional technical reviews as needed from scientific, socio-economic and management experts.
- Public comment on NEPA analysis
- Council action
As per the normal Council process, the Council receives public comments and takes final action on HAPC selections and management alternatives.

Further, in reviewing the EIS, the Council suggest the following revisions be made in so far as possible:

1. Re-evaluate the economic impacts of GOA slope closures
2. Address the SSC's concerns regarding the EIS
3. For GOA alternatives, review comparisons between expected reductions in revenues to total annual revenues
4. Include first wholesale prices for the catcher processor sector in the GOA alternatives
5. Consider the use of ex-vessel revenues for catcher vessels may overlook a substantial and important portion of economic effects of the GOA alternatives
6. Re-evaluate the assumptions about the industry's ability to make up slope rockfish revenues by fishing in areas not part of the GOA slope or by using alternative fishing gear
7. Economic impacts need to be evaluated in the context of open access management
8. Re-evaluate determinations of "no community impact"
9. Consistently apply methods to assess implementation and enforcement costs