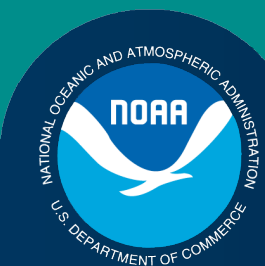


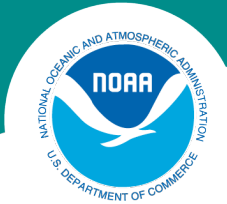
Science, Service, Stewardship



Opportunities and Impediments for Using EFH authority in CMSP

Karen Abrams
NMFS Office of Habitat Conservation
September 21, 2011

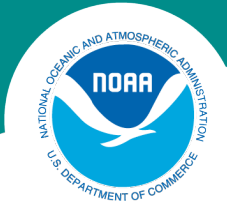
**NOAA
FISHERIES
SERVICE**



CMSP and Ocean Uses

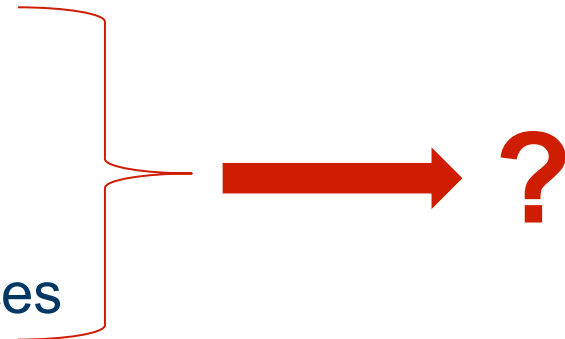
- **CMSP:** A coordinated approach for making decisions under existing legal frameworks about where and when to use ocean resources, including:
 - Oil and gas
 - Wind, wave, current, and tidal energy
 - Navigational channels
 - Aesthetic and recreational services
 - Seafood products

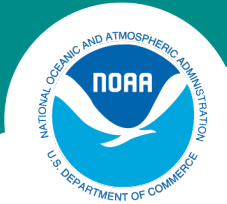




Council Influence of Ocean Uses

- **CMSP:** A coordinated approach for making decisions under existing legal frameworks about where and when to use ocean resources, including:
 - Oil and gas
 - Wind, wave, and tidal energy
 - Navigational channels
 - Aesthetic and recreational services
 - Seafood products



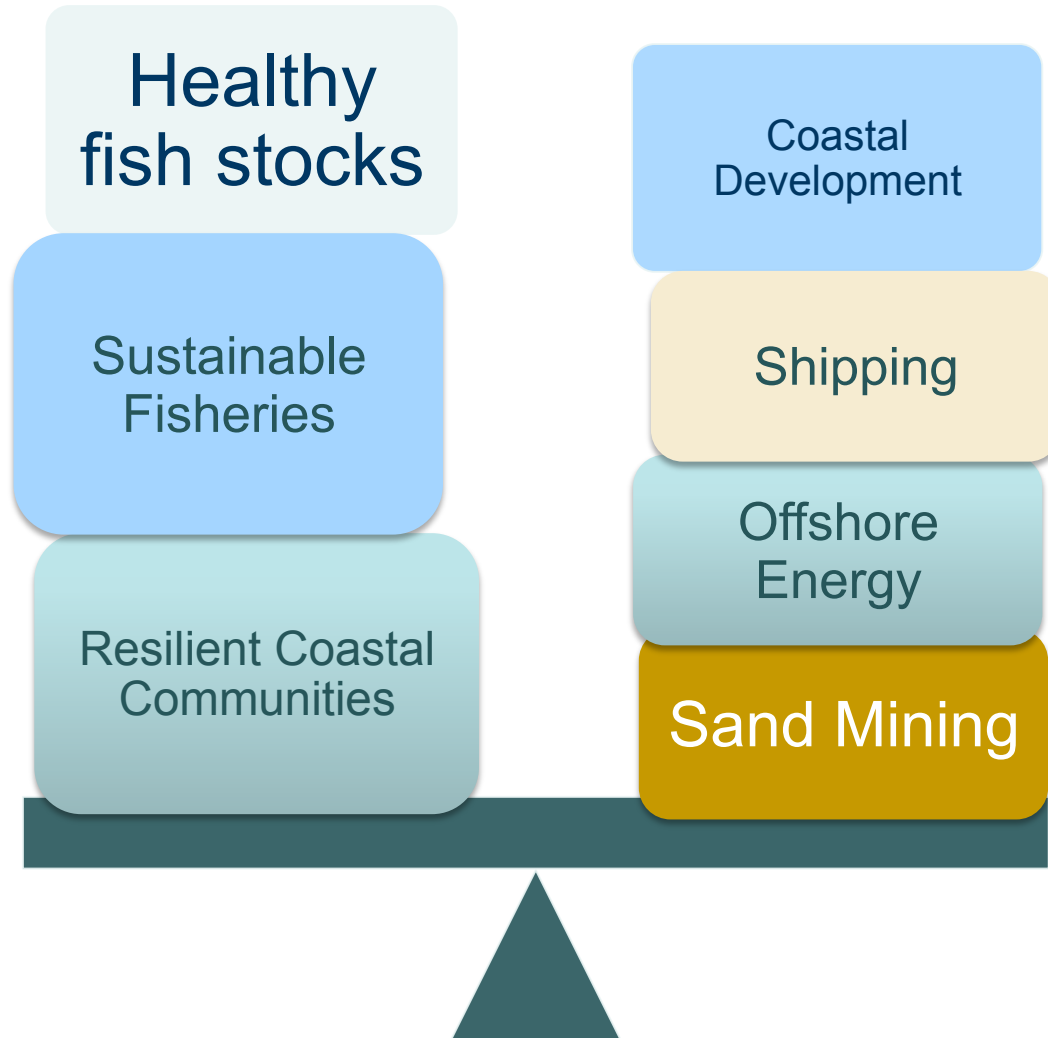
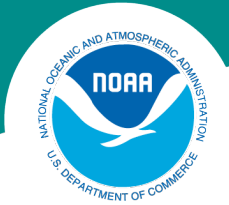


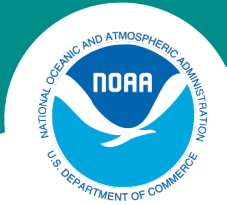
Concern of Councils?

Why would Councils be concerned about non-fishing uses of the ocean?

- Collateral impacts to habitats and ecosystems of the fisheries that the Council's are managing.
- Spatial conflicts with fishing activities.



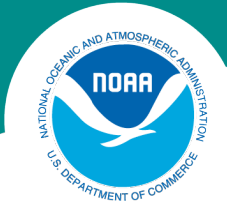




Council Tools to Influence Non-fishing Ocean Uses

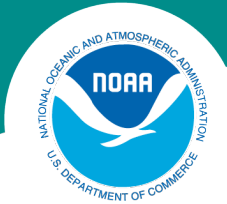
Magnuson-Stevens Fishery Conservation and Management Act

- Authorizes Councils to provide conservation recommendations to federal and state agencies for actions that may affect habitat of a fishery resource, including EFH.
- Requires Councils to provide conservation recommendations to federal and state agencies for actions that are likely to substantially affect the habitat, including EFH, of anadromous fish.



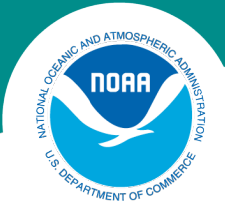
Benefits of Council EFH Consultations

- Reinforces the required NMFS EFH conservation recommendations.
- Expresses priority and implies need for greater scrutiny.
- Increases attention on habitat and Council interests in habitat conservation as part of an ecosystem-based approach for fisheries management.



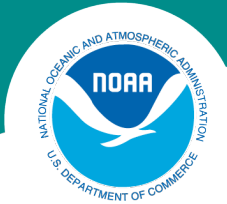
EFH Consultation Process Overview

- Council provides EFH conservation recommendations
- The Federal or state agency responds within 30 days.
- The response must accept recommendations or provide a rationale for not accepting EFH conservation recommendations.



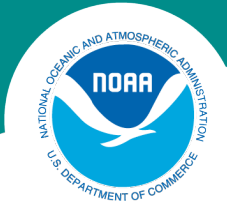
Examples

- Corps Permit at Winthrop Beach in Massachusetts
 - Addressed substantial impacts to juvenile cod EFH.
 - Result: Corps denied permit citing NMFS and Council concerns. Applicant has re-applied for a permit using upland sources.
- BOEMRE wind energy plans in Massachusetts
 - Addressed fishing interference and substantial EFH impacts.
 - Results: BOEMRE reduced planning area by 50%.



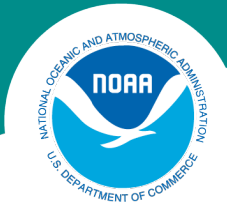
Issues and Impediments

- Scope of EFH
- Number of non-fishing actions
- Procedural issues.
- Lacks “hammer”.



Scope

- Broad: EFH is the habitat necessary for federally managed species to complete their life cycle.
- For each life-stage of each managed, FMPs must
 - Describe EFH in text and provide maps
 - Distinguish EFH from all habitat used by the species using best available science.
- NMFS/Councils have designated EFH for approximately 1,000 species and their multiple life stages.



EFH Mapper Tool

<http://www.habitat.noaa.gov/efhmapper>

Essential Fish Habitat Mapper
NOAA Fisheries

EFH View Tool
Northeast/Mid-Atlantic
☒ zoom to selected region
Atlantic Cod
-----Select HAPC-----
zoom to extents -->

Data Query Tool
-- Location Query --

Link to EFH Text Description
Atlantic Cod
For links to all EFH text descriptions:
Open Data Inventory -->

Home | Contact
Google Maps Terms of Use

back clear map

basemap layers

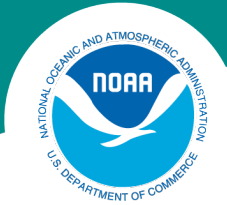
Atlantic Cod
Legend
Adult Juvenile Larvae Eggs All
Click lifestage to display

EFH Report - Mozilla Firefox
http://sharpfin.nmfs.noaa.gov/website/EFH_Mapper/EFH_Report.htm

Query Results
(Latitude = 40.192979, Longitude = -69.499512)
The query location intersects with spatial data representing EFH and/or HAPCs for the following species/management units.

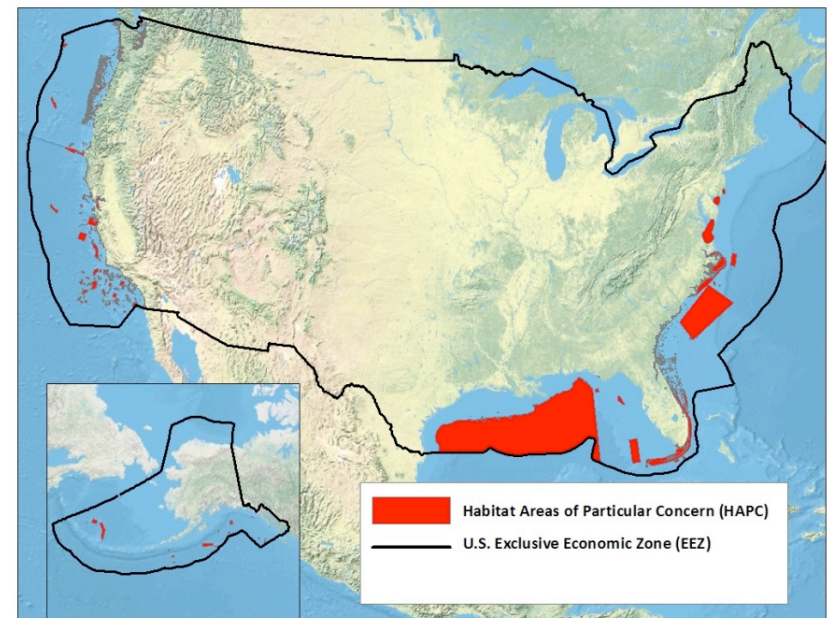
Link to EFH Text	Data Caveats	Show on Map	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
			162	Bluefin Tuna	http://www.nmfs.noaa.gov/sfa/hms/EFH/Final/FEIS_Amendment_1_Chapter5.pdf#page=	HMS
			154	White Shark	http://www.nmfs.noaa.gov/sfa/hms/EFH/Final/FEIS_Amendment_1_Chapter5.pdf#page=	HMS

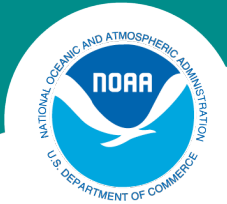
Done



Habitat Areas of Particular Concern

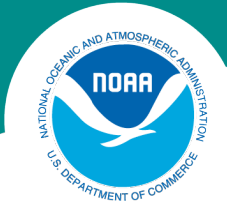
- HAPCs are subsets of EFH to focus conservation.
- Are discretionary and don't require protection measures.
- HAPC Criteria
 - Ecological functions
 - Sensitivity
 - Rarity
 - Stress
- Have designated ~ 100 HAPCs





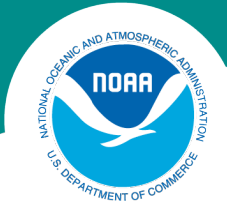
Number of Non-Fishing Actions

- NMFS must consult on all actions that may adversely affect EFH (about 3,000 per year).
- NMFS does this with approximately 30 staff and \$5M.
- Councils don't have those resources, but have more discretion about selecting actions for consultation.

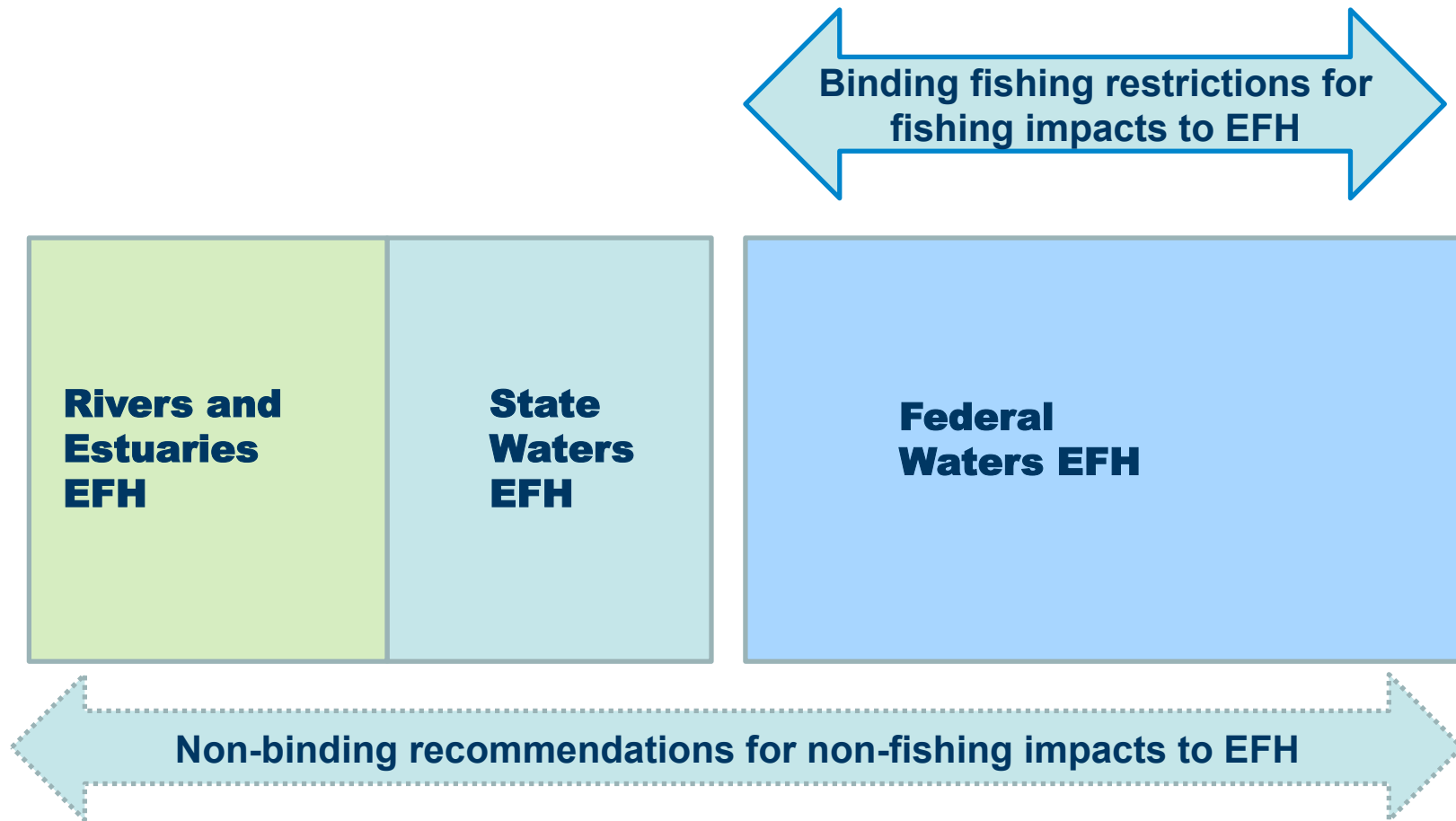


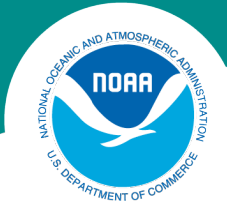
Procedural Issues

- Lack of consistent process for coordinating with NMFS on non-fishing impacts.
- Lack of clear process within the Councils to finalize Council conservation recommendations to action agency.



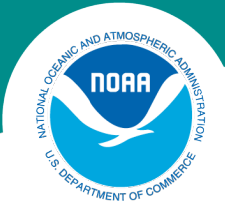
EFH Mandate Strength





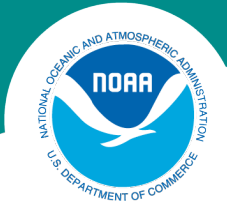
Possible Remedies

- Council priorities and habitat objectives/targets for managed fish.
 - Could narrow scope of actions that merit Council action.
 - Could better position Council for influencing planning phase of CMSP.
 - Could increase likelihood that other agencies would accept Council recommendations.
 - Could facilitate coordination with NMFS regional offices.
- Establish clearer process within the Council to review and approve Council consultations.



Discussion Questions

- How have Councils approached developing habitat objectives or priorities?
- What role could the HAPC process play?
- What have been some of the impediments to developing habitat conservation objectives/priorities?
- What might these objectives/priorities be based on?



Tools and Resources

- EFH Website www.habitat.noaa.gov/efh
- EFH Regulations 50 CFR 600
www.habitat.noaa.gov/pdf/efhregulatoryguidelines.pdf
- List of regional EFH contacts:
www.habitat.noaa.gov/protection/efh/regionalcontacts.html

