



MID-ATLANTIC
FISHERY MANAGEMENT COUNCIL

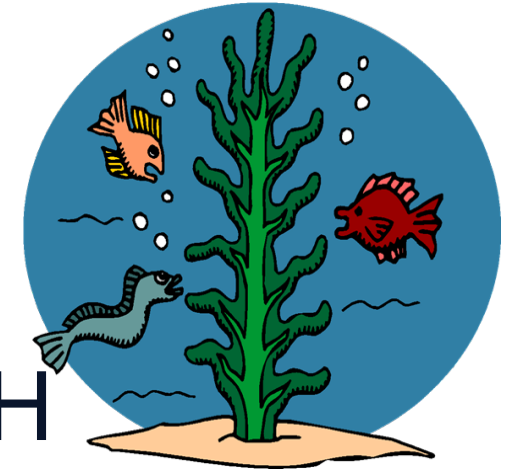
Considerations for an Essential Fish Habitat (EFH) Amendment

October Council Meeting

October 5, 2022

Today

- Benefits of doing an EFH Review/Amendment
- EFH requirements and Council role in EFH
- Potential applications of Northeast Regional Habitat Assessment (NRHA) habitat products to an EFH Review
- Action: Council can consider initiating EFH Omnibus (all spp.) Amendment to make fishery management plan changes w/ EFH Review to be concurrently conducted



Role of EFH in MSA

- MSA defines EFH as “those waters and substrate that are necessary to fish for spawning, breeding, feeding, or growth to maturity.”
- Also notes that ignoring habitat is a risk to sustainability....
 - “...direct and indirect habitat losses... have resulted in a diminished capacity to support existing fishing levels.” [MSA§(a)(2)]
 - “One of the greatest long term threats to the viability of... fisheries is the continuing loss of marine, estuarine, and other aquatic habitats.” [MSA§(2)(a)(9)]

EFH Roles & Responsibilities

Councilled EFH Designations

- Designate EFH
- Designate Habitat Areas of Particular Concern
- Produce maps to display designations
- Minimize adverse effects of fishing on EFH (e.g., use of gear restricted areas)
- Work with partners on non-fishing activities (Policies)

NMFS-led EFH Consultations

- NOAA must consult on non-fishing actions that may adversely affect EFH
- Councils may consult on non-fishing actions, and must consult on impacts to diadromous fish habitat

NMFS-led EFH Consultations

Federal action proponents must consult with NOAA on actions that may adversely affect EFH



~5,000+ federal actions every year across many Federal agencies; ~300+ at NMFS GARFO HESD



EFH Reviews

- MSA requires review and revision of EFH components be completed every 5 years
- EFH review ensures NOAA Fisheries and Councils incorporate most recent and best science available into fishery management for EFH
- Specific required components for EFH review
- Reviews usually lead to need to revise habitat components of FMPs through an action

Review Components

1. Description and Identification of EFH
2. Fishing activities that may adversely affect EFH
3. Non-Magnuson-Stevens Act fishing activities that may adversely affect EFH
4. Non-fishing related activities that may adversely affect EFH
5. Cumulative impacts analysis
6. Conservation/Fishing Impact Recommendations
7. Prey species
8. Review current HAPC designations and approaches and recommend changes based on new information and methods available
9. Research Needs
10. Develop approaches to better integrate goals and objectives into habitat actions

**Possible outcomes:
Updated EFH text and
map descriptions**

Current EFH: Summer Flounder (1999)



Eggs: 1) North of Cape Hatteras, EFH is the pelagic waters found over the Continental Shelf (from the coast out to the limits of the EEZ [Exclusive Economic Zone]), from the Gulf of Maine to Cape Hatteras, North Carolina, in the highest 90% of the all the ranked ten-minute squares for the area where summer flounder eggs are collected in the MARMAP survey. 2) South of Cape Hatteras, EFH is the waters over the Continental Shelf (from the coast out to the limits of the EEZ), from Cape Hatteras, North Carolina to Cape Canaveral, Florida, to depths of 360 ft. In general, summer flounder eggs are found between October and May, being most abundant between Cape Cod and Cape Hatteras, with the heaviest concentrations within 9 miles of shore off New Jersey and New York. Eggs are most commonly collected at depths of 30 to 360 ft..

Larvae: 1) North of Cape Hatteras, EFH is the pelagic waters found over the Continental Shelf (from the coast out to the limits of the EEZ), from the Gulf of Maine to Cape Hatteras, North Carolina, in the highest 90% of all the ranked ten-minute squares for the area where summer flounder larvae are collected in the MARMAP survey. 2) South of Cape Hatteras, EFH is the nearshore waters of the Continental Shelf (from the coast out to the limits of the EEZ), from Cape Hatteras, North Carolina to Cape Canaveral Florida, in nearshore waters (out to 50 miles from shore). 3) Inshore, EFH is all the estuaries where summer flounder were identified as being present (rare, common, abundant, or highly abundant) in the ELMR database, in the "mixing" (defined in ELMR as 0.5 to 25.0 ppt) and "seawater" (defined in ELMR as greater than 25 ppt) salinity zones. In general, summer flounder larvae are most abundant nearshore (12-50 miles from shore) at depths between 30 to 230 ft. They are most frequently found in the northern part of the Mid-Atlantic Bight from September to February, and in the southern part from November to May.

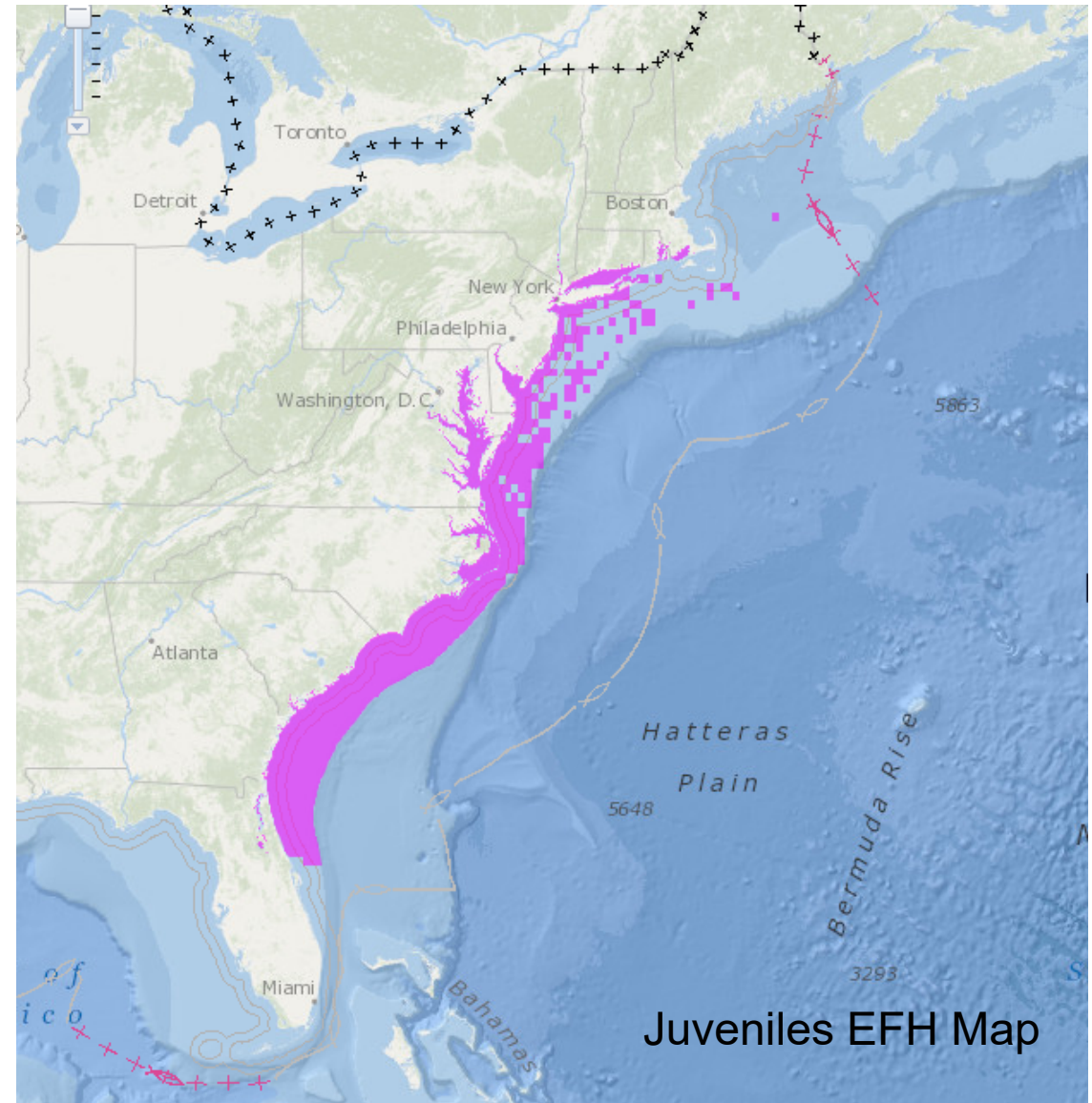
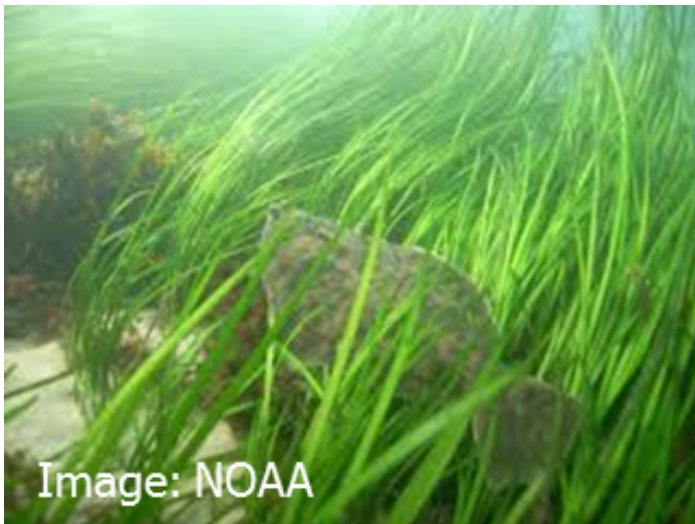
Juveniles: 1) North of Cape Hatteras, EFH is the demersal waters over the Continental Shelf (from the coast out to the limits of the EEZ), from the Gulf of Maine to Cape Hatteras, North Carolina, in the highest 90% of all the ranked ten-minute squares for the area where juvenile summer flounder are collected in the NEFSC trawl survey. 2) South of Cape Hatteras, EFH is the waters over the Continental Shelf (from the coast out to the limits of the EEZ) to depths of 500 ft, from Cape Hatteras, North Carolina to Cape Canaveral, Florida. 3) Inshore, EFH is all of the estuaries where summer flounder were identified as being present (rare, common, abundant, or highly abundant) in the ELMR database for the "mixing" and "seawater" salinity zones. In general, juveniles use several estuarine habitats as nursery areas, including salt marsh creeks, seagrass beds, mudflats, and open bay areas in water temperatures greater than 37 °F and salinities from 10 to 30 ppt range.

Adults: 1) North of Cape Hatteras, EFH is the demersal waters over the Continental Shelf (from the coast out to the limits of the EEZ), from the Gulf of Maine to Cape Hatteras, North Carolina, in the highest 90% of all the ranked ten-minute squares for the area where adult summer flounder are collected in the NEFSC trawl survey. 2) South of Cape Hatteras, EFH is the waters over the Continental Shelf (from the coast out to the limits of the EEZ) to depths of 500 ft, from Cape Hatteras, North Carolina to Cape Canaveral, Florida. 3) Inshore, EFH is the estuaries where summer flounder were identified as being common, abundant, or highly abundant in the ELMR database for the "mixing" and "seawater" salinity zones. Generally, summer flounder inhabit shallow coastal and estuarine waters during warmer months and move offshore on the outer Continental Shelf at depths of 500 ft in colder months.

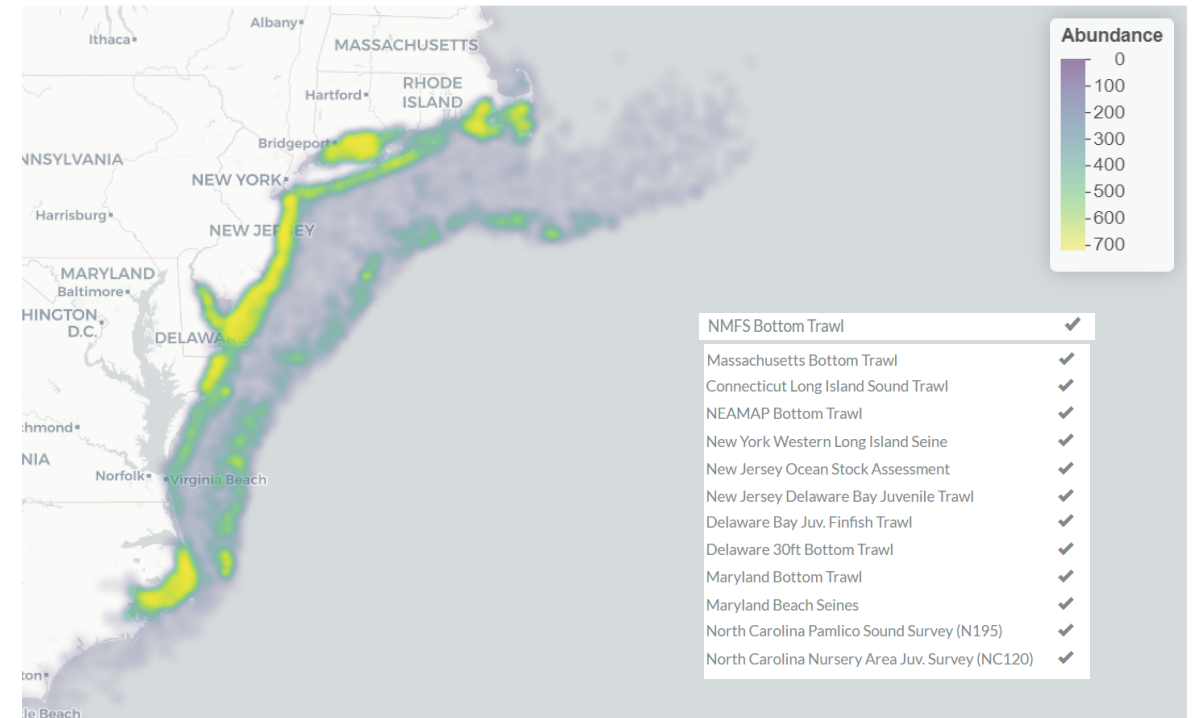
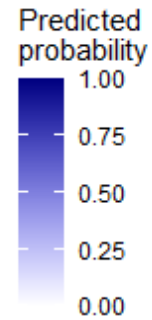
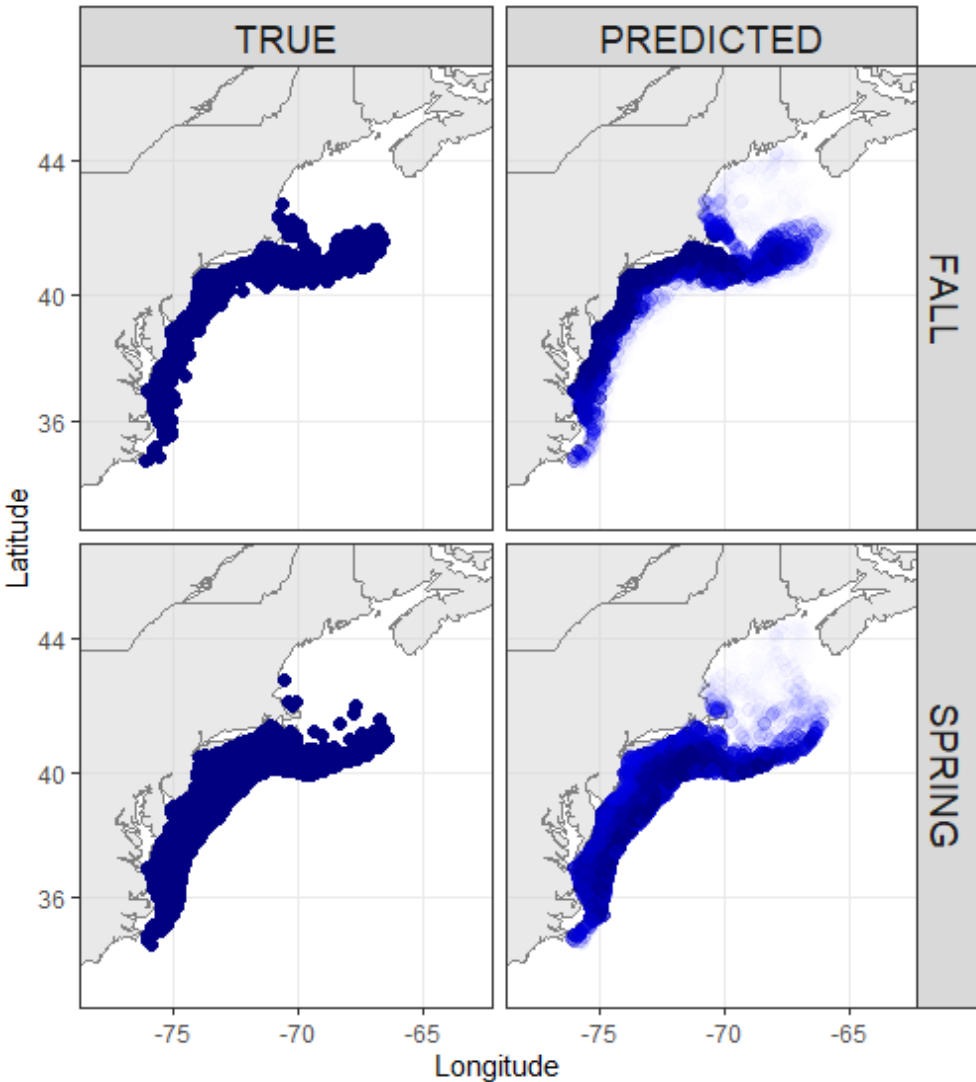
Current EFH Description: Summer Flounder

Habitat areas of particular concern (HAPCs) for juveniles and adults are:

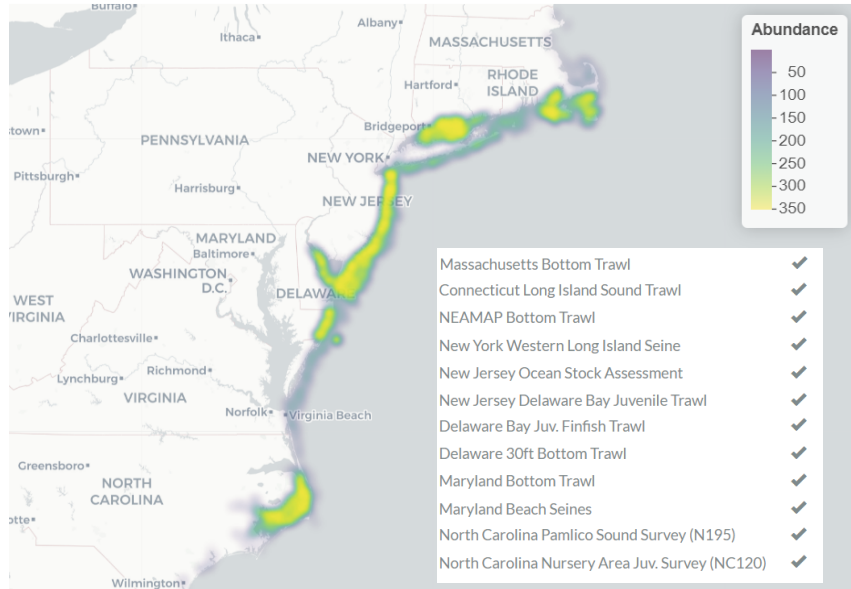
All native species of macroalgae, seagrasses, and freshwater and tidal macrophytes in any size bed, as well as loose aggregations, within adult and juvenile summer flounder EFH is HAPC. If native species of SAV are eliminated then exotic species should be protected because of functional value, however, all efforts should be made to restore native species.



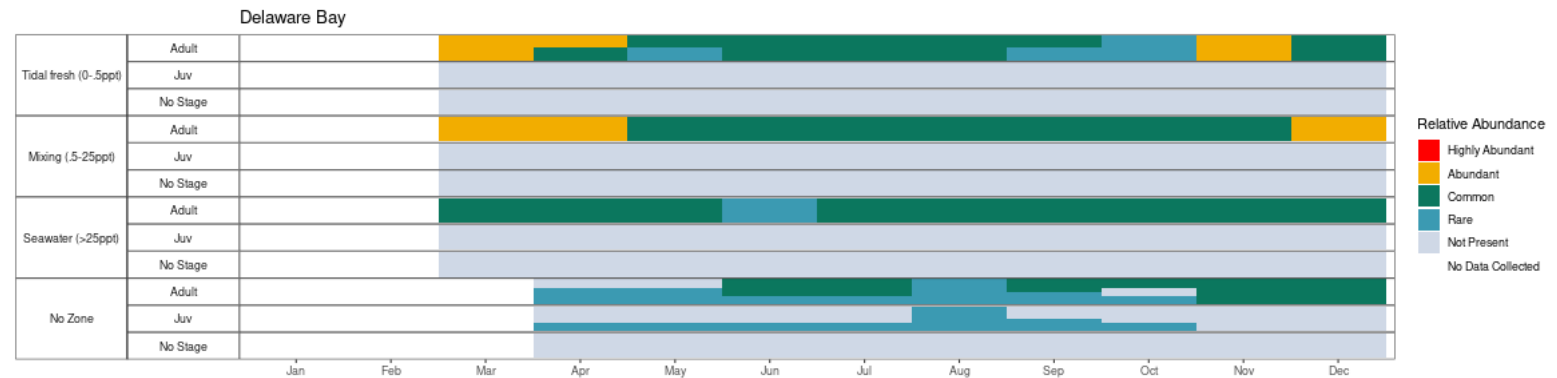
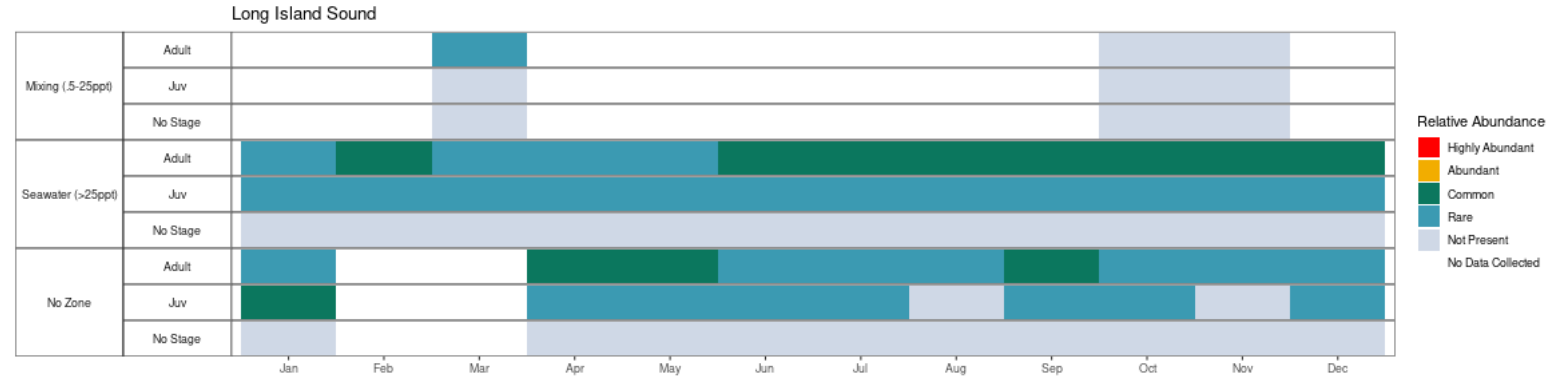
New Information to Support New Text/Maps



Improved Inshore Information



Year Range:
 1960-1979 1980-1999 2000-2019

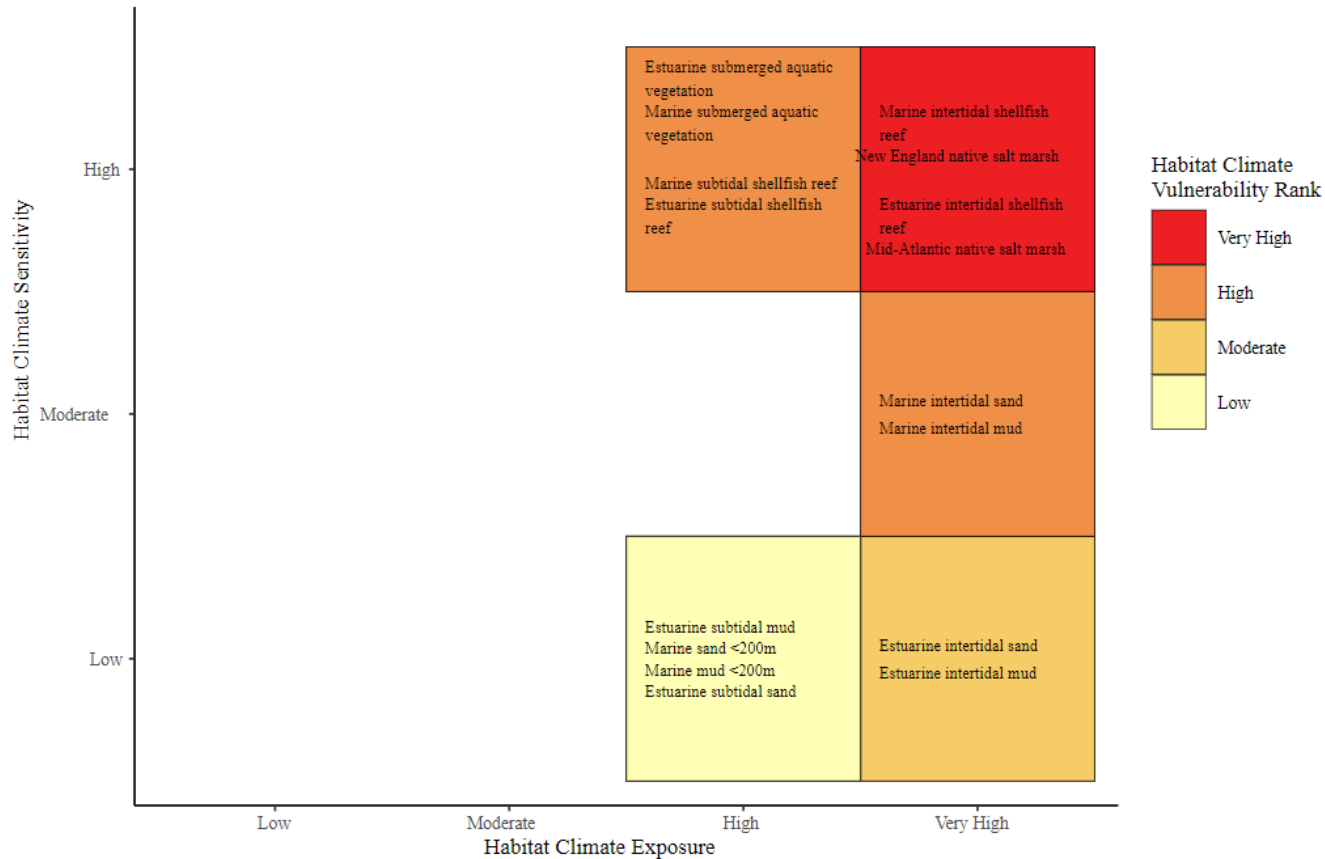


New Information for HAPCs (see [Report](#))

- Criteria: 1. Importance of ecological function, 2. Extent to which the habitat is sensitive to human-induced environmental degradation, 3. Extent of activities stressing the habitat type, 4. Rarity of the habitat type
- HAPCs are way to focus habitat conservation
- Do not confer any specific measures (e.g., gear restrictions) but receive increased scrutiny during EFH consults; can serve to focus research/monitoring

New Information for HAPCs (see [Report](#))

Summer flounder *Paralichthys sp* (FCVA Rank: Moderate)



For example, could consider these with habitat dependency data:

- Current HAPC: Marine and estuarine submerged aquatic vegetation (high)
- Mid-Atlantic and New England native salt marsh (very high)
- Marine and estuarine intertidal shellfish reef (very high)
- Marine and estuarine subtidal shellfish reef (high)
- Marine intertidal sand/mud (high)

Adaptive/Proactive Approach to Mapping?

- Could consider updating maps based on new data more frequently than text EFH designation approaches?
- Could also consider including areas where species are shifting, or a buffer in that direction for mapping purposes?
- Buffer nearshore/inshore boundary of map designations by certain amount knowing sea level rise is occurring, and wetlands shift?

Review Components: Fishing Activities

- MSA requires Councils to minimize the impacts of fishing to essential fish habitat [MSA §303(a)(7)]
- Update Fishing Effects Model (already developed by NEFMC/NEFSC) and coded in R



Review Components: Non -Fishing Activities

- Updates on activities and scope occurring within our region
- For example, offshore wind developments a more recent issue (needs to be updated)

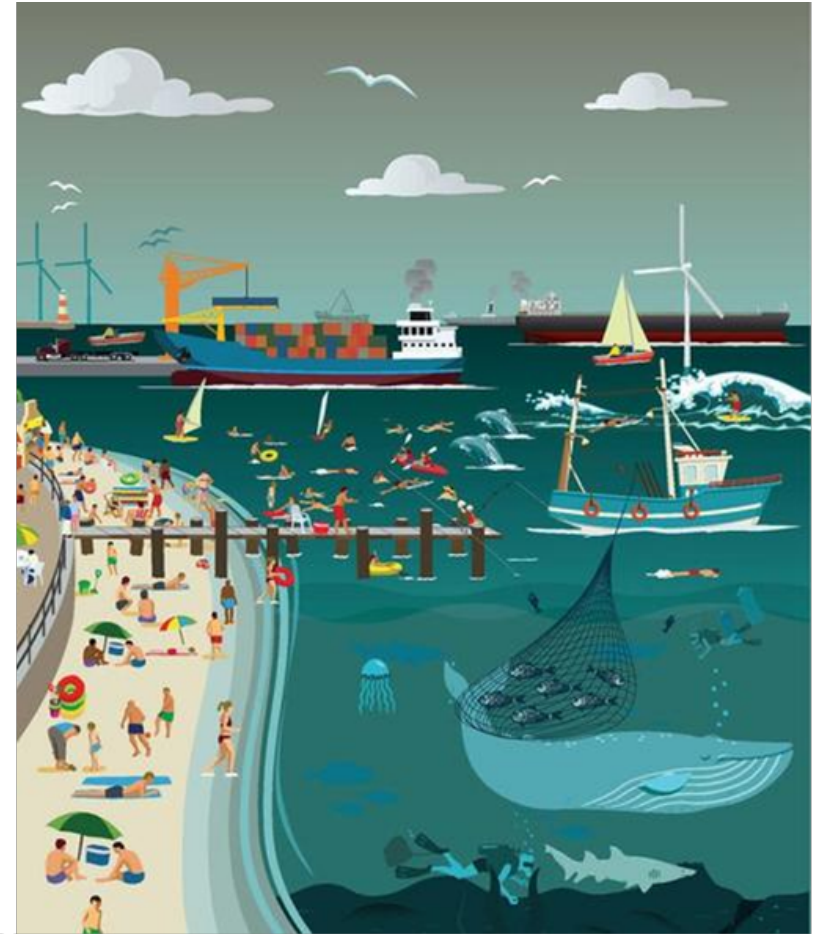
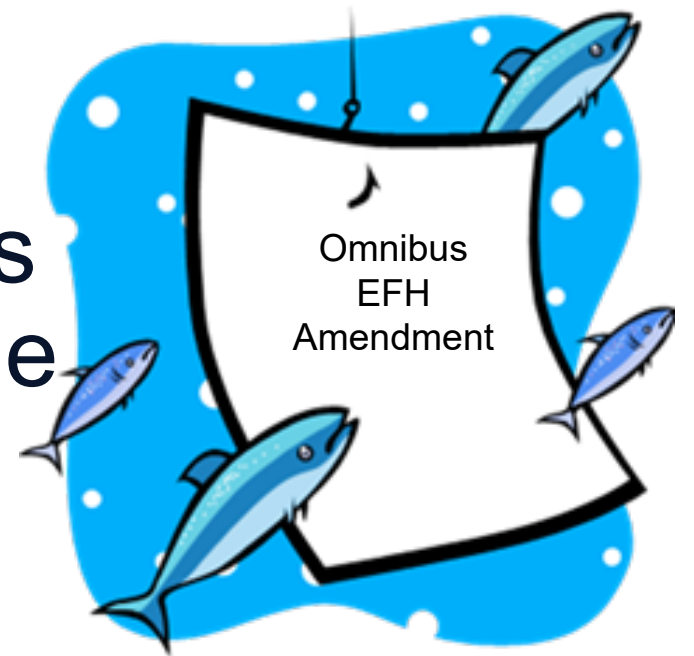


Image Source:

https://www.nrdc.org/sites/default/files/styles/one_half_content/public/media-uploads/blog-ocean-planning.jpg?itok=QXFpIMbK

If the Council chooses to do an Omnibus EFH Amendment w/ concurrent Review

- Would address the 10 components of a EFH review in the action
- Develop alternatives to revise aspects of EFH components, as needed, in the FMPs for all managed species
- Target approval and submission to NMFS in 2024



FAQs

- Aren't Omnibus EFH Amendments supposed to take like 15 years to do?
 - No. Not if we focus on the data/science we have on hand and keep our approach straightforward
- Will we be stuck with some of these revised designations for another 20 years?
 - Hopefully not. If we keep our science products updated, we should be able to streamline another review in 5 years.

Questions?