



## Mid-Atlantic Fishery Management Council

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# MEMORANDUM

**Date:** September 16, 2022  
**To:** Council  
**From:** Jessica Coakley and Tori Kentner, Staff  
**Subject:** Essential Fish Habitat (EFH) Amendment

During this meeting, the Council will receive a presentation on the Northeast Regional “Marine Fish” Habitat Assessment (NRHA) and how these products could be applied to review and possible revise EFH for the Council’s managed species. Information on NRHA is available via the Data Explorer found here: <https://nrha.shinyapps.io/dataexplorer/>.

The Council is required to review the EFH components within each fishery management plan (FMP) every 5 years to determine whether changes to the plan are needed. During this meeting, the Council can consider initiating an omnibus (i.e., all council species/FMPs) amendment to revise EFH designations. The required 5-year review could be conducted concurrently with the Amendment development process.

## Background

In 1996, the Sustainable Fisheries Act amended the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to require each federal FMP to describe and identify EFH, minimize to the extent practicable the adverse effects of fishing on EFH, and identify other actions to encourage the conservation and enhancement of EFH. The MSA defines EFH as “those waters and substrate that are necessary to fish for spawning, breeding, feeding, or growth to maturity.” The Council addressed these requirements using a similar process for each plan. The Council completed initial EFH text designations and descriptive maps, as well as other requirements, for most FMPs by 2001, and has completed reviews for a few FMPs since. EFH was identified by species and life stage using level 1 (presence) and 2 (density) data from multiple sources. The original designations (pre-2001) are still in effect for many of our managed species.

Federal regulations implementing the EFH provisions of the MSA require that a review and revision of EFH components be completed every 5 years. The EFH review is a mechanism to ensure NOAA Fisheries and Fishery Management Councils incorporate the most recent and best science available into fishery management for EFH. This EFH Review should include the following components:

### *1. Description and Identification of EFH*

Review current EFH designations and approaches (both text descriptions and maps) and recommend changes based on new information and methods available.

### *2. Fishing activities that may adversely affect EFH*

Review whether there have been changes in or new available information on fishing activities that may adversely affect EFH. Evaluate the impact of fishing activities on EFH.

*3. Non-Magnuson-Stevens Act fishing activities that may adversely affect EFH*

Review whether there have been changes in current non-MSA fishing (e.g., state water fisheries). Evaluate the impact of non-MSA fishing activities on EFH.

*4. Non-fishing related activities that may adversely affect EFH*

Review whether there have been changes to or newly available information on non-fishing activities affecting habitat. Evaluate the impact of non-fishing activities on EFH.

*5. Cumulative impacts analysis*

Review cumulative impacts discussions across all FMPs, and update if appropriate.

*6. Conservation/Fishing Impact Recommendations*

Review fishing and non-fishing activities and recommend whether actions to minimize impacts on EFH or other conservation actions are appropriate.

*7. Prey species*

Review prey species information and determine if updates to the FMP descriptions are appropriate.

*8. Identification of HAPC*

Review current habitat areas of particular concern (HAPC) designations and approaches and recommend changes based on new information and methods available.

*9. Research Needs*

Review existing habitat research needs and draft a habitat research plan.

*10. Develop approaches to better integrate goals and objectives into habitat actions.*

Consider how habitat goals and objectives can be used to make Council use of its habitat authorities more effective.

### Possible Outcomes of an EFH Review/Omnibus EFH Amendment

There are many outcomes that could be expected, but in short, the review will likely result in:

- New EFH text descriptions for Council managed resources, based on new information
- New map descriptions for EFH, including model-based information and more nearshore, state waters data
- New approaches to designating HAPCs
- Recommendations for developing goal and objective based habitat approaches
- Updates on fishing and non-fishing related activities, as well as cumulative impacts
- Refined approaches to minimize impacts on habitat
- A habitat research plan for all Council managed resources