

Initiation of EFH 5 Year Review in the South Atlantic Region: February 2023 (SAFMC in Cooperation with NMFS SERO Habitat Conservation Division)

The EFH regulations require fishery management councils to describe, identify, and map EFH for all fishery management unit species which is only one of ten mandatory contents of fishery management plans relating to EFH outlined in the EFH regulations at 50 CFR Part 600.815. FMPs must also evaluate how fishing activities may adversely affect EFH and minimize those effects to the extent practicable. Additionally, FMPs must identify actions to minimize the effect of non-fishing (e.g., coastal development) activities, discuss cumulative effects, identify prey species, recommend research and information needs for EFH and consider identifying habitat areas of particular concern. It has also been a regulatory requirement for Councils and NMFS to periodically review all EFH information at least once every five years. Councils are encouraged to outline the procedures they will follow to review and update EFH information, and the review should include evaluating scientific literature and reports and seek information and previously unavailable data. Absent this regulatory direction at 50 CFR 600.815(a)(10) there are no agency-wide procedures or guidance to further define what constitutes a “five-year review”. Recognizing regional fishery priorities vary among the regions across the nation the Councils and NMFS Regional Offices have resultantly developed individual approaches to satisfy the regulatory requirement to review and update EFH information. Within the Southeast, the Council’s use differing approaches to review and update their EFH information which are typically transmitted to the Habitat Conservation Division (HCD) which in turn provides written comments and recommendations back to the Council specific to each of the ten mandatory contents of FMPs outlined at 50 CFR Part 600.815(a)(1)-(10) as well as a short list of recommended priorities the Council should consider to improve their EFH information before the next five-year review.

The Council’s 1998 Habitat Plan for the South Atlantic Region was the basis for initial EFH information and the 1998 Comprehensive Amendment Addressing Essential Fish Habitat in Fishery Management Plans of the South Atlantic Region. The Habitat Plan also provided the foundation for the Fishery Ecosystem Plan (FEP) of the South Atlantic Region completed in 2009. While the FEP was influenced by emerging requirements and reflected goals and needs of the Council separate from the EFH review requirement, HCD agreed the development of the FEP could facilitate the EFH five-year review. HCD provided the Council with comments and recommendations to improve their EFH information in 2011 indicating the next EFH review should be completed by 2016. The Council responded to the NMFS recommendations by: developing HAPC designations for golden tilefish and blueline tilefish and including them in the EFH User Guide; designating EFH for Sargassum and included it in the EFH User Guide; providing clarifications to designations for penaeid shrimp and including a complete list of the state-designated nursery habitats in Appendix 1 of the EFH User Guide and clarified the definition of coastal inlets to include the throat of the inlet as well as shoal complexes associated with the inlets as depicted in Figure 2 of the EFH User Guide; and developing EFH requirements for managed fisheries through completion of South Atlantic Fishery Ecosystem Plan II /FEP II Dashboard and associated habitat and ecosystem tools enhancing the ongoing partnership

between the South Atlantic Council and NOAA Fisheries Habitat Conservation Division Southeast Region.

The Council initiated development of FEP II which was completed in 2018. It is recognized the Council's EFH information was revised in FEP II in accordance with HCD's previous comments and recommendations and in 2016 the Council and HCD developed (and revised in 2020) the [Users' Guide to Essential Fish Habitat Designation by the South Atlantic Fishery Management Council](#) to immediately address identified shortcomings and provide clarity to EFH designations. NMFS HCD acknowledged that the development of FEP II constitutes the last review and the next EFH 5-Year review would be completed by the end of 2024. The Habitat and Ecosystem AP have proposed to initiate coordination between the Council, HCD and engage the AP in the detailed review and evaluation of EFH as updated through FEP II. Specific components of 50 CFR Part 600.815(a) identified will constitute the focus of this review. In response to the overall effort HCD will convey to the Council prioritized comments and recommendations for improving EFH information, enhancing EFH conservation, and refining or clarifying EFH or HAPC designations through a future update to the EFH Users Guide. Further refinements of the EFH User Guide to enhance connection to information on species, habitat and spatial representations of EFH.

50 CFR Part 600 Subpart J

§600.815(a) Mandatory Contents of Fishery Management Plans

- (1) Description and identification of EFH
 - i. Overview
 - ii. Habitat Information by Life Stage
 - iii. Analysis of Habitat Information
 - iv. EFH Determination
 - v. Mapping Requirements
- (2) Fishing activities that may adversely impact 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 and Enhancement
- (7) Prey Species
- (8) Identification of habitat areas of particular concern
- (9) Research information needs
- (10) Review and revision of EFH components of FMPs

Below is an outline of a proposed engagement of the Habitat and Ecosystem Committee, the Habitat and Ecosystem Advisory Panel and regional experts in a process to achieve the 2024 EFH 5 Year Review with emphasis on an assessment of EFH designations and new information.

EFH 5 Year Review Timeline and Engagement in 2023:

