

## Habitat Blueprint Council Decision Outline

### I. **Habitat and Ecosystem Advisory Panel (AP)**

1. Role of the AP in ecosystem-based management
  - a. Considerations
    - i. Potentially excessive workload for a single AP to address habitat and ecosystem based management needs
    - ii. Existing HEAP leans toward habitat expertise; ecosystem based management is becoming more quantitative and technical.
    - iii. Species APs and the SSC have roles to play in ecosystem-based management. For example, the Snapper Grouper AP should be engaged in ecosystem based management under the Snapper Grouper FMP.
  - b. Recommendation: separate habitat and ecosystem based management advisory roles, and refocus the Habitat Ecosystem AP on habitat and ecosystem conservation issues.**
2. AP Name
  - a. Current: Habitat Protection and Ecosystem Based Management Advisory Panel (HEAP)
  - b. Recommendation: Habitat and Ecosystem Advisory Panel**
3. Define “conservationist” as pertains to AP membership
  - a. Proposed: Conservationist includes individuals with a general interest in habitat ecosystem and protection, who may lack affiliation or employment with a group as well as representatives affiliated with an environmental organization having designated representation on the AP.
  - b. Intent: Provide the Council flexibility to appoint someone with a useful and valued perspective or skill set who does not otherwise fit into member categories.
4. Membership
  - a. Current – 36 members
    - i. 4 state Panels, 24 members:
      1. State marine fishery agency rep,
      2. State coastal zone management rep,
      3. USFWS,
      4. conservationist,
      5. 2 at large: researcher or fisherman
    - ii. At large - 12 members
      1. EPA Region IV
      2. USGS
      3. SEFSC
      4. SERO-HCD
      5. ASMFC
      6. BOEM

7. US Navy
8. National Marine Sanctuary Program
9. Harbor Branch Oceanographic Institute (HBOI)/Florida Atlantic University (FAU)/NOAA Cooperative Research Institute (COEIRT)
10. 3 at-large research positions.

**b. Proposed – 25 members**

**i. 4 state Panels, 16 members:**

- 1. State marine fishery agency rep,**
- 2. State coastal zone management rep,**
- 3. 2 at large: conservationist, researcher or fisherman**

**ii. At large - 8 members**

- 1. SEFSC**
- 2. SERO-HCD**
- 3. USFWS Region**
- 4. ASMFC**
- 5. BOEM**
- 6. US Navy**
- 7. USCG (not verified interest)**
- 8. Harbor Branch Oceanographic Institute (HBOI)/Florida Atlantic University (FAU)/NOAA Cooperative Research Institute (COEIRT)**
- 9. 2 at-large researchers**

**5. Policies**

a. Existing AP policy provisions apply, with the following exceptions or clarifications required to address unique circumstances (such as agency representatives)

i. Agency representatives, at the state panel and at-large level, serve 3-year terms without term limitations (similar to the SSC)

ii. Applications

1. Applications for designated agency seats will be solicited from the appropriate agency or organization. (similar to the SSC)
2. Applications for at-large fishery research and conservationist seats will be advertised consistent with notifications of other AP opportunities.

iii. Vacancies of state and federal agency and university designated seats

1. Will be filled by a representative of that agency.
2. The agency shall designate a replacement in writing through a letter to the Council Executive Director.
3. The replacement HEAP representative designated in writing by the agency may attend and participate in discussion at a HEAP

meeting prior to Council appointment but cannot vote.  
(Similar to SSC approach)

4. The Council will appoint the agency representative at its next meeting.
- iv. Vacancies of non-agency representatives that occur due to resignation or Council removal will be filled at the next scheduled Council AP appointment meeting (typically at the June and December Council Meetings)
- v. Proxy representation for agency seats.
  1. There are no proxy provisions in current AP or SSC policies.
  2. The Workgroup is asked to consider the pros and cons of proxies for agency representatives.

## **II. EFH Consultation and Comment Development Process Overview**

1. Council notification of a project or policy that may impact EFH
  - a. By Members, AP, HCD, State partners, etc.
2. Action Determination
  - a. Council staff consults with HCD, habitat Committee Chair, Council Chair
    - i. Considers significance of the proposal under council policies
    - ii. Habitat Committee and Council chairs determine course of action
  - b. Action Alternatives
    - i. No action required
      1. The project or policy will not impact SAFMC EFH
    - ii. Informal review
      1. The project or policy may have an impact, and the nature of the project and impacts are clear and may be addressed through existing Council policy or prior comments.
      2. May be applied if the response deadline does not allow time for formal review.
    - iii. Formal Review required
      1. The policy may have an impact on Council EFH and the impact and review timeline justify a formal review.
        - a. Council may in some cases request a comment extension if formal review is desired by the timeline does not accommodate the formal review process.
      2. The policy poses a novel situation that requires additional evaluation to develop an appropriate response.
      3. The formal review process includes review during a council meeting.
  - c. Action Procedures
    - i. No Action required; Council will not offer a response
    - ii. Informal Review Process

1. Habitat Committee Chair and Council Chair directs staff, in consultation with NMFS HCD, the Habitat AP chair, and relevant habitat AP members, to draft a response.
    - a. Full Council informed of the recommendation and planned response
  2. If time allows, staff and the Habitat AP Chair may convene a sub-panel of AP membership to assist in preparing the response.
  3. Habitat AP reviews the draft response
  4. Habitat Committee Chair and Council Chair reviews and approves the draft response.
    - a. If time allows, include email review by council.
- iii. Formal Review Process
1. Habitat Committee Chair and Council Chair directs staff, in consultation with NMFS HCD, the Habitat AP chair, and relevant habitat AP members, to draft a response.
    - a. Full Council informed of the recommendation and planned response
  2. If time allows, staff and the Habitat AP Chair may convene a sub-panel of AP membership to assist in preparing the response.
  3. Habitat AP reviews the draft response – during a meeting or via email.
  4. Habitat Committee reviews the response during a meeting and takes a position for consideration by the Council.
    - a. Habitat AP Chair attends
  5. Council takes public comment on the response during the meeting, along with comment submitted for the meeting.
  6. The Council considers the response, public comment, and committee recommendations, and provides guidance.
  7. Final response incorporating Council guidance drafted by Staff
  8. Final response reviewed and approved by Habitat Committee Chair and Council Chair.

### **III. Habitat Policy Development**

1. Council notification of a policy need by the Habitat AP.
  - a. Notification or request may be offered by Members, AP, HCD, State partners, etc.
  - b. Staff will coordinate with Habitat AP Chair to determine whether the AP needs to be involved. Notifications or requests for policy development that originate outside the Habitat AP will be remanded to the Habitat AP for

consideration and verification that the issue is not addressed by an existing policy.

2. Action Determination
  - a. Habitat AP Policy Recommendation Options to the Habitat Committee
    - i. No policy is necessary – the issues is addressed in an existing policy or is inappropriate for policy consideration.
    - ii. Policy revisions – the issue is addressed in an existing policy, but that policy requires updating or revision.
      1. The AP includes a preliminary timeline and process
    - iii. New Policy – The issue is appropriate for a policy, and not covered by existing policy.
      1. The AP includes a preliminary timeline and process
  - b. Habitat Committee Consideration – action taken at Committee meeting.
    - i. Determine the policy action to pursue (none, revision, new)
    - ii. Provide guidance on the role of the Committee, SSC, and other APs in developing and reviewing the policy action.
    - iii. Committee recommendations reviewed and approved by full Council
3. Policy Development, for revisions and new policies
  - a. Staff works with Habitat AP chair to develop a draft plan of work to implement the Council’s recommendation.
    - i. May include a sub-committee to draft the policy
    - ii. Other AP or SSC members may be included in the sub-committee if directed by Council
  - b. Draft Plan of work reviewed by the Habitat AP
  - c. Council staff coordinates policy development and review per Plan of work.
    - i. May include webinar and in-person meetings and public comment opportunities
    - ii. The habitat AP will review the policy, as will other groups (SSC, APs) as directed by the Plan of Work.
  - d. Draft policy provided to the habitat committee for review and approval.
  - e. Council considers habitat committee recommendations and takes final action.