

**ADVISORY PANEL**  
**Motions and Rationale**  
**February 7-10, 2023 - Seattle, WA**

**C4 EFH 5-Year Review**

The Advisory Panel recommends the action proposed by the Ecosystem Committee which is to initiate the process to amend the fisheries management plans to incorporate the changes to EFH information identified in the EFH 5-year review.

The recommendation that the climate change Taskforce continue to lead the Council's consideration of adjustments to increase climate resiliency and supports Taskforce's development of a diverse climate adaptability and resiliency toolbox and the spring 2023 workshop;

The recommendation the Council continue to support the work of the Climate Change Taskforce;

The AP requests that the Council develop a request for proposals as outlined in component 6 and 8 to conserve and enhance fisheries habitat, with a focus on:

- 1) climate impacted/vulnerable species—(coral, crab, cod);
- 2) intensely fished/highly impacted habitat of particular importance to a fishery dependent community
- 3) identify areas that may qualify under the designation criteria for HAPCs

*Amendment 1 passed 12/5*

*Main Motion as amended 11/6*

*Rationale in support of the Main Motion:*

- The AP appreciates the work of the EFH 5-year Review team, as well as of the various Council bodies who formally reviewed the work over the period and gave recommendations.
- The NPFMC currently has significant EFH provisions in place and these are detailed in the report through figures indexed on page 7 and as heard in public comment, there are more areas that are not fished than those that are. It was noted by the AP that this Council is leading the nation in terms of protecting EFH.
- There will be another review in five years and the process begins before that five year date – so in just a few years all stakeholders will have an opportunity to help define the roadmap for the next review. At that time the LKTK committee may be in a place to better contribute to the EFH process.

*Rationale in Opposition to the Main Motion:*

- The addition of the amendment is overly large in scope and makes the overall motion unpalatable.
- The amended main motion adds a call for proposals that may be unnecessary considering that there are over 200 new or revised EFH descriptions to be updated under the current process.

- The stock assessment authors, plan teams and SSC did not recommend changes aside from what is included in the initial motion at this time.
- Participation in this process is open to all public and stakeholder input and it is encouraged to such members to continue to participate in this process. There are a broad range of representatives on the AP, ecosystem committee, and the climate change task force.
- Initial motion and rationale against the amended main motion was reflective of public comment and testimony.

*Rationale in support of the Amendment:*

- This amendment can help to guide the Council into a more comprehensive motion than just the proposals from the Ecosystem Committee. Suggestions to the Council to improve and enhance EFH are worth consideration, and are consistent with the majority of public testimony requests.
- In recommending the consideration of the Climate Change Taskforce, it helps to elevate the importance of developing a toolbox and frameworking methods for more adaptive management. The NPFMC would benefit from better ability to respond to changes in the ecosystem in a more timely manner and anything to help develop this scope of work will lead to better adaptive management and response times to issues being faced in the North Pacific Ocean.
- The AP supports a call for proposals on EFH specifically regarding Components 6 and 8 to continue to elevate and encourage public/stakeholder participation in the process. It is understood that such an ask could provide too large a response and the Council should consider identifying specific areas of concern to help narrow down a realistic workload on staff. The AP understands concerns around workload of Council and agency staff, yet this should not prevent seeking stakeholder input.
- A request for proposals may create a more accessible and understandable review process for concerned stakeholders who have found the review process difficult or intimidating. It also provides a more immediate pathway for LKTKS to be incorporated.
- Public testimony highlighted concerns regarding the adequacy of existing habitat protections and an interest from Tribes and stakeholders in developing additional habitat conservation measures. To help focus proposals and provide a standard for assessment, the AP is suggesting 2 areas of heightened Importance: habitat for vulnerable or climate impacted species and habitat that is of particular importance to a fishery dependent community.
- Actions that address localized impacts on habitat meet intent for consideration of actions that Enhance and Conserve Essential Fish Habitat.
- Actions to Conserve and Enhance EFH should not only be reserved for when the Adverse Impact threshold is reached. There are past actions that have been considered and implemented by the Council as precautionary measures to lower EFH impacts (e.g., gear modifications, coral habitat protection areas, etc.), and the review's finding of minimal and temporary effect on the EFH does not preclude action by the Council to improve conservation and lessen impacts.

*Rationale in Opposition to the Amendment:*

- The plan teams and stock assessment authors did not have any recommendations for additional HAPCs or management measures at this time based on new information available.
- The EFH process has been a multi-year and inclusive process with several opportunities for public input. There are a variety of stakeholder representatives currently serving on the AP, the Council, the ecosystem committee which have all had input along with the public into this process.
- There are a lot of ongoing efforts related to EFH already happening, – gear definitions, the ongoing LKTK process, crab management measures and several efforts of ongoing collaborative research. It continues to be an iterative process, so as research and science becomes available it can be incorporated and vetted by the authors, committees, and the SSC.
- The HAPC process can be initiated at any time by the Council if they are compelled to move it forward and the public can come forward at any time with proposals for HAPCs – including proposals from the LKTK process or any other process. The Ecosystem Committee discussed but did not include in its recommendations to task the Council with initiating a call for HAPC Proposals.
- An open call for proposals could produce an unrealistic workload for Council staff that could draw on for years. It is important to consider the workload of Council staff when making recommendations and to prioritize the use of staff time and resources. Moving forward with the call for HAPC will take a lot of human resources.