

M E M O R A N D U M

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke
Executive Director



DATE: September 21, 1988

SUBJECT: Habitat Policy

ACTION REQUIRED

- (a) Final approval of Habitat Policy.
- (b) Appoint Habitat Committee.

BACKGROUND

At the June Council meeting a draft Habitat Policy was approved for public review. It is comparable to those of other Councils and responds to the authority and direction conveyed by 1986 amendments to the Magnuson Act:

Section 302. Regional Fishery Management Councils

- (a) Establishment

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(i) Fishery Habitat Concerns. Each Council may comment on, or make recommendations concerning, any activity undertaken, or proposed to be undertaken, by any State or Federal agency that, in the view of the Council, may affect the habitat of a fishery resource under its jurisdiction. Within 45 days after receiving such a comment or recommendation from a Council, a Federal agency must provide a detailed response, in writing, to the Council regarding the matter.

Section 303. Contents of Fishery Management Plans

(a) Required Provisions. Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall --

(1) contain the conservation and management measures . . .

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. .
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(7) include readily available information regarding the significance of habitat to the fishery and assessment as to the effects which changes to that habitat may have upon the fishery.

(Note: Compliance with this provision for FMPs in effect on January 1, 1987 is not required except in conjunction with subsequent plan amendments.)

The draft policy and supporting documentation (Item C-7(a)) call for a Habitat Committee to be appointed by the Council which would keep abreast of projects and policies that might affect the habitat of resources of concern to the Council. The Committee would, as necessary, recommend actions to the Council on those projects of concern.

We have received only two public comments on the draft policy, both from the Department of the Interior (C-7(b)). The U.S. Fish and Wildlife Service, which is deeply involved with habitat-related activities, supports the Council's intent in adopting the policy but recommends that: 1) the Council's role be better defined, and 2) the Council's purview be broadened to include effects of commercial fishing on habitat. The Bureau of Mines, whose mission is to help assure dependable supplies of minerals to the U.S., is concerned that the draft policy unnecessarily duplicates existing authorities and responsibilities of other agencies.

Examples of policies adopted by other Councils are contained in Item C-7(c).

North Pacific Fishery Management Council

James O. Campbell, Chairman
Clarence G. Pautzke, Executive Director



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August 15, 1988

TO: Persons interested in Habitat Policy as it relates to North Pacific Fisheries

On September 28-30, 1988, the North Pacific Fishery Management Council (NPFMC) will meet and consider adopting a Habitat Policy consistent with that of other fishery management councils and responsive to authority and direction conveyed in the 1986 amendments to the Magnuson Fishery Conservation and Management Act (MFCMA). A draft policy is attached for public review and comment. Also included are a summary of the history and status of this draft policy and supporting information on procedures that will be used to implement the policy. Among these procedures is the establishment of a Habitat Committee to develop procedures and selection criteria to ensure that Council actions related to the 1986 amendments are directed toward those fishery habitat issues that could significantly affect fisheries within the Council's jurisdiction. The final implementing procedures will be tailored to effectively respond to habitat problems impacting Alaska's fisheries.

Public comments are due by September 16, 1988. For further information please contact Clarence Pautzke at (907) 271-2809.

History and Status of the Habitat Policy

Efforts to integrate habitat considerations into the fishery management process go back to the inception of the Magnuson Fishery Conservation and Management Act (MFCMA) in 1976. The Act directs the Councils to recommend management plans for commercial and recreational species of fish occurring in the Exclusive Economic Zone throughout the range of the species. Some believed this directive gave the Councils authority to consider fishery related habitat issues within the territorial sea and further inland even though the Councils clearly did not have jurisdiction within State waters. Although some efforts were made to address significant fishery habitat issues, the Councils and the National Marine Fisheries Service (NMFS) concentrated largely on ocean harvest during the first decade of Magnuson Act.

In 1983 the NMFS adopted a National Habitat Conservation Policy, uniting its MFCMA authority with its advisory responsibilities and authority under the Fish and Wildlife Coordination Act (FWCA) and the National Environmental Policy Act (NEPA). The Habitat Policy provides guidance to the agency regarding its interactions with the Councils and other Federal and State agencies. It also focuses NMFS's habitat conservation efforts on specific habitat problems affecting fishery resources, marine mammals, and endangered marine species. Although the NMFS's policy notifies other agencies and the Councils of NMFS intent, it does not clarify the Councils' role regarding fishery related habitat issues.

In 1986 the Congress amended the Act, essentially codifying elements of the NMFS Habitat Conservation Policy, and giving the Fishery Management Councils new authority and responsibility to include "readily available" habitat information in all fishery management plans. The Amendments direct the Councils, with guidance from NMFS, to evaluate the effect that changes in habitat may have on managed fisheries.

Additionally, the 1986 amendments gave the Councils the opportunity to recommend habitat management measures for ongoing and proposed Federal or State activities which could adversely affect fishery resources for which they have management responsibility. Federal agencies are required to respond specifically and substantively to a Council's recommendations within 45 days. The Amendments also encourage the Councils to monitor state activities and to comment on those that could adversely affect Council managed fishery resources. As the Councils moved to implement the new habitat options and directives in the Magnuson Act amendments, the NMFS issued operational guidelines to help Councils prepare habitat sections for inclusion in fishery management plans.

Also in 1986, an effort was begun to establish national consistency and strengthen the Councils' ability to address habitat issues by drafting a Habitat Policy. The major objective of the policy is to:

"Conserve, restore, and develop habitats upon which commercial, recreational, and subsistence marine fisheries depend, to increase their extent and to improve their productive capacity for the benefit of present and future generations."

This objective is to be implemented using a guiding principle of No Net Habitat Loss.

To date similar but not identical Habitat Policies have been adopted by the New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, Caribbean, and the Western Pacific Fishery Management Councils. All have also adopted a series of framework documents, tailored to the needs of each region. They include an outline of Council habitat responsibilities, guidelines for determining the need for Council involvement, a project review process, and criteria to define

significant projects. The Pacific Council had previously adopted a similar Habitat Policy with an objective of No Net Habitat Loss.

Some of the Councils have begun to use the Policy to address specific habitat issues. For example, the Gulf of Mexico Council, long concerned with the alteration and loss of fishery habitat in their region, recently held a public hearing to consider the biological and economic effects on shrimp and redfish resources from the proposed widening and deepening of the Houston Ship Channel and the disposal of the resulting dredged material. In addition, the Gulf Council continues to monitor federal and state activities and comments substantively on issues which may adversely affect fisheries. Citing their authority under the recent amendments to the Act, the Council recently requested a more substantive reply from the Army Corps of Engineers after concluding the Corp's initial response was inadequate.

The New England and Mid Atlantic Councils have filed joint positions in opposition to the continuation of the dumping of sewage sludge and acid wastes at the 106-mile deepwater dump site, located off the coast of New York and New Jersey. They have asked that the NMFS immediately implement an action plan to gather information on the environmental consequences of sewage sludge disposal on the edge of the continental shelf. When requested by Congressional Committees, their representatives have also testified as to the need for legislation to control ocean dumping.

The Pacific Council's Salmon Fishery Management Plan is a model document in terms of its habitat section. It includes positive habitat objectives and an appendix describing present habitat conditions, the economic value of the fishery, and effects of ongoing activities on fishery production. Some of the objectives are: (1) to assure Pacific salmon receive equal treatment with other purposes of water and land resource development, (2) to facilitate vigorous implementation of federal and state programs to restore salmon stocks, (3) to encourage diligent enforcement of local, state, and federal land use and water development laws, and (4) to seek legislative remedies to laws that inadequately protect habitat.

All of these are examples of how Councils are moving forcefully to integrate habitat concerns into the fishery management process and to conserve and protect habitat vital to the continued productivity of the fisheries for which they have management responsibility.

It is important to note, however, that the decision of how and when to address habitat issues would rest solely with the individual Council. The NPFMC would, therefore, make the judgment of how best to use this new authority and opportunity granted it under the new amendments to the Magnuson Act. This judgement and its supporting guidelines and procedures will be addressed later should the Habitat Policy be adopted.

The success of this new process depends upon its implementation. Successful implementation would likely involve a cooperative effort between the council, fishermen, fishing industry, scientific community, and federal and state agencies. Both the NMFS Alaska Region and Headquarters staff would assist the NPFMC's efforts to address significant habitat issues by providing the information required to make equitable decisions that balance production of fisheries resources with other appropriate uses.

PROPOSED HABITAT POLICY

Recognizing that all species are dependent on the quantity and quality of their essential habitats, it is the policy of the North Pacific Fishery Management Council to:

Conserve, restore, and develop habitats upon which commercial, recreational and subsistence marine fisheries depend, to increase their extent and to improve their productive capacity for the benefit of present and future generations. (For purposes of this policy, habitat is defined to include all those things physical, chemical, and biological that are necessary to the productivity of the species being managed.)

This policy shall be supported by three policy objectives which are to:

- (1) Maintain the current quantity and productive capacity of habitats supporting important commercial, recreational and subsistence fisheries, including their food base. (This objective will be implemented using a guiding principle of NO NET HABITAT LOSS).
- (2) Restore and rehabilitate the productive capacity of habitats which have already been degraded.
- (3) Create and develop productive habitats where increased fishery productivity will benefit society.

The Council shall assume an aggressive role in the protection and enhancement of habitats important to marine and anadromous fish. It shall actively enter Federal decision-making processes where proposed actions may otherwise compromise the productivity of fishery resources of concern to the Council.

Council Habitat Responsibilities

The Council, through its Habitat Committee, will assist in the development of each fishery management plan to ensure that:

- (1) Habitat significant to the species or species group to be managed as well as its prey, where information is available, is adequately defined in the plan, and
- (2) The most recent and substantive information regarding habitat considerations and issues is incorporated into the fishery management plan at the earliest possible stage of the plan.
- (3) Recommendations to responsible agencies be included in the plan which identify habitat improvement or changes in Federal policies, which are necessary to achieve the objectives of the plan.

The Habitat Committee will review those proposed habitat alterations, policy, or other human actions which may have a significant adverse impact on those fisheries addressed in the Council's plans and under the authority of the MFCMA. After review of such proposals and finding that significant adverse impacts could occur, the Committee may file or present the Council's position to the Federal agency(s) responsible. Council action could include: (1) oppose the proposed action, (2) suggest project modifications, or (3) seek full compensation for unavoidable fishery losses.

The Council may also recommend changes in the Federal statutes and their implementing regulation to protect marine fishery resources and their habitats in water development projects and policy.

Guidelines

As a guide for determining the need for Council involvement, the Habitat Committee and the Council staff will consider the following:

- (1) The extent to which the proposed activity could directly affect the production of fishery resources or their essential food base (e.g., as a result of dredging, wetland filling, pollution loading, restricting access, etc.).
- (2) The existence of alternative sites lower in productivity, ecological importance, or fisheries related conflicts than associated with the proposed project location.
- (3) The extent to which man-induced perturbations could be avoided through project modification(s) or other safeguards (e.g., piling support instead of fill, and construction timing windows).
- (4) The extent to which the activity could affect the accessibility of fishery resources.

- (5) The extent to which precedent could be set in relation to existing or potential cumulative impacts of similar or other developments in the proposed project area.
- (6) The extent to which the proposed activity could indirectly affect the production of fishery resources (e.g., alteration of circulation, salinity regimes, detrital or nutrient export, etc.).
- (7) The extent to which the activity requires a waterfront location if dredging or filling of coastal wetlands is involved.

Project Review Process

- (1) Information on proposed Federal projects or actions and their related habitat issues will be received by the Council staff from several sources. For example, the National Marine Fisheries Service (NMFS), Alaska Region, will forward the Council staff descriptive information such as copies of public notices of significant projects proposed for federal authorization or proposed Federal policy. NMFS will also provide special briefings, NMFS position statements, and other appropriate support as needed. Also, the Council staff may request and will receive information from other State and Federal agencies, the private sector, and special interest groups.
- (2) Information (including public notices) received and screened by the Council staff will be forwarded to the Habitat Committee.
- (3) Significant projects shall be selected by the Habitat Committee for Council consideration if:
 - (a) The Habitat Committee concludes that a proposed Federal action or project may have significant fishery related impacts.
 - (b) The Council or Council staff notifies the Habitat Committee of a Federal action or project they deem significant and deserving formal Council consideration.
- (4) The Habitat Committee shall develop a draft Council position and forward it to the Council for their action. The following are examples of appropriate Council actions:
 - (a) The Council shall object to proposed Federal projects or actions that could have significant adverse effects on fisheries for which the Council has management responsibility. The Council shall convey their objections, concerns, and recommendations directly to the appropriate Federal regulatory agency.
 - (b) The Council staff or members may testify at public hearings, as needed.
 - (c) The Council may hold public hearings, as appropriate.
- (5) The Habitat Committee shall report on its actions, at Council meetings as needed.

Criteria to Define Significant Projects

Significant projects could include:

- (1) Projects that may directly affect (e.g., catch, marketability, management options, etc.) fisheries or habitat for which the Council has a management or research interest.
- (2) Projects which could affect habitat important to species managed under the MFCMA, or habitat important to species upon which managed species are dependent for food.
- (3) Projects that may be precedent-setting, highly controversial, or proposed in unique or critical habitat areas.
- (4) Projects that could have a substantial indirect impact on water circulation patterns, nutrient production and export, saltwater intrusion, freshwater inflow, availability of nursery areas, migration corridors, and overwintering areas, etc.



United States Department of the Interior

IN REPLY REFER TO:
FMS/3501f

R	RECEIVED	FISH AND WILDLIFE SERVICE 1011 E. TUDOR RD. ANCHORAGE, ALASKA 99503
	SEP 19 1988	

Clarence Pautzke
North Pacific Fishery Management Council
P.O. Box 103136
Anchorage, Alaska 99510

SEP 15 1988

Dear Mr. Pautzke:

My staff has reviewed the North Pacific Management Council's proposed habitat policy and support the Council's intent in adopting this policy.

We do feel, however, that further definition of the Council's role would be appropriate. It is not clear whether the Council would have a role only when fisheries managed under one of the Council's fishery management plans were involved or whether the role would be broader than that. The phrases "habitats important to marine and anadromous fish" and "fishery resources of concern to the Council" lead us to believe the latter. These phrases are rather ambiguous (perhaps intentionally so) and have an almost unlimited scope. The section on responsibilities, however, deals almost entirely with the plan process. Our concern is not that the Council would have broad responsibilities, only that there may be resistance in some quarters to an undefined role.

We also note that the guidance and procedures focus on proposed projects that are subject to the federal review process. Of equal importance are other activities such as certain commercial fishing techniques and practices that may adversely impact habitat. Examples are bottom trawling, waste disposal from processors, and marine debris originating from commercial fishing. We suggest that the policy address these activities as well.

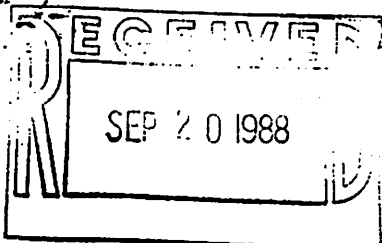
We appreciate the opportunity to comment on the proposed policy and welcome the Council's active involvement in protecting fisheries habitat. Jon Nelson, my alternate on the Council, will be happy to discuss these points in greater detail.

Sincerely,

Walter O. Stiglich

Regional Director

cc: BFA (ERT), Washington, D.C.



BUREAU OF MINES
Alaska Field Operations
201 E. 9th Avenue
Suite 101
Anchorage, Alaska 99501

August 31, 1988

ACTION	ROUTE TO	INITIAL
	Exec. Dir.	
	Deputy Dir.	
	Admin. Off.	
	Exec. Sec.	
	Staff Asst. 1	
	Staff Asst. 2	
	Staff Asst. 3	
	Staff Asst. 4	
	Staff Asst. 5	
	Staff Asst. 6	
	Staff Asst. 7	
	Staff Asst. 8	
	Staff Asst. 9	
	Staff Asst. 10	

U.S. Regional Director
Fish and Wildlife Service
1011 East Tudor Road
Anchorage, Alaska 99503

Attention: William Knauer

RE: Review of Habitat Policy as it Relates
to North Pacific Fisheries

Dear Mr. Knauer:

Thank you for the opportunity to review the above document as requested by the National Marine Fisheries Service.

The Bureau of Mines mission is to help ensure that the United States has an adequate and dependable supply of minerals to meet its defense and economic needs at acceptable environmental, energy, and economic costs. Because of this mission, the Bureau is concerned about the impact of increasingly complex regulations which restrict the viability of developing the Nation's mineral resources.

The proposed Habitat Policy of the North Pacific Fishery Management Council duplicates Federal and State agencies policies and procedures already in effect which adequately ensure protection of fishery resources. Because of existing reviews by Coastal Zone Management, authorities of U.S. Fish and Wildlife Service, Alaska Department of Fish and Game, and many other agencies and special interest groups and the well established public review process, the establishment of another layer of review seems unwarranted.

No mention is made of the potential economic consequences (both positive and negative) of establishing the proposed Habitat Policy. A cumulative economic impact analysis of this proposed action should be made.

Donald P. Blasko
Donald P. Blasko
Chief, AFOC

cc: P. Gates, OEPP
M. Gloster, M.A Specialist

DPB:RBH:cto:1336M

PACIFIC FISHERY MANAGEMENT COUNCIL

CHAIRMAN
Joe Easley

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Portland, Oregon 97201

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HABITAT POLICY (Adopted March 12, 1986)

The Council will be guided by the principle that there should be no net loss of the productive capacity of marine, estuarine, and freshwater habitats which sustain commercial, recreational, and native fisheries beneficial to the nation. Within this policy, the Council will assume an aggressive role in the protection and enhancement of marine and anadromous fish habitat.

HABITAT COMMITTEE ISSUE REVIEW GUIDELINES (As Amended July 9, 1986)

1. All issues must have a significant impact on Council managed fisheries. This may include habitat policy issues of regional or national scope as well as effects of specific projects or resource developments.
2. Direct presentation of issues to the committee should be at the request of the Council or coordinated with the appropriate individual fishery management entities. Private individuals or organizations may submit requests directly to the Habitat Committee but any Council action will require approval of the full Council.
3. All issues submitted to the screening subcommittee must have sufficient supporting information to allow clear identification of the issue and to permit an evaluation of the need for Council support.

PFMC
7/23/86

HABITAT POLICY

JUL - 7 1988

Recognizing that all species are dependent on the quantity and quality of their essential habitats, it is the policy of the Mid-Atlantic Fishery Management Council to:

Conserve, restore and develop habits upon which commercial and recreational marine fisheries depend, to increase their extent and to improve their productive capacity for the benefit of present and future generations. (for the purposes of this Policy, "HABITAT" is defined to include all those things, physical, chemical and biological that are necessary to the productivity of the species being managed.)

This policy shall be supported by three policy objectives which are to:

- (1) Maintain the current quantity and productive capacity of habitats supporting important commercial and recreational fisheries, including their food base. (This objective will be implemented using a guiding principle of NO NET HABITAT LOSS).
- (2) Restore and rehabilitate the productive capacity of habitats which have already been degraded.
- (3) Create and develop productive habitats where increased fishery productivity will benefit society.

The Council shall assume an aggressive role in the protection and enhancement of habitats important to marine and anadromous fish. It shall actively enter Federal decision-making processes where proposed actions may otherwise compromise the productivity of fishery resources of concern to the Council.

COUNCIL HABITAT RESPONSIBILITIES

The Council will assist in the development of each fishery management plan to insure that:

- (1) Habitat significant to the species to be managed as well as its prey (where information is available) is adequately defined in the plan, and
- (2) Recommendations to responsible agencies are included in the plan which identify habitat improvement or changes in Federal policies, which are necessary to achieve the objectives of the plan.

The Council will review those proposed habitat alterations, policy or other human actions which may have a significant adverse impact on those fisheries addressed in the Council's proposals and finding that adverse impacts will occur, the Council may file or present the Council's position to the Federal agency(s) responsible for the action which could (1) oppose the proposed action, (2) suggest project modifications or (3) seek full compensation for unavoidable fishery losses.

The Council may also recommend changes in the Federal statutes and their implementing regulations to protect marine fishery resources and their habitats in water development projects and policy.

GUIDELINES

The following guidelines could assist the Council in making its assessment of the proposed actions:

- (1) The extent to which the activity would directly affect the production of fishery resources or their essential food base (e.g., as a result of dredging, filled marshland, pollution, reduced access, etc.);
- (2) The extent to which precedent would be set in relation to existing or potential cumulative impacts of similar or other developments in the project area;
- (3) The extent to which the activity would indirectly affect the production of fishery resources (e.g., alteration of circulation, salinity regimes, detrital export, etc.);

- (4) The extent of any adverse impact that can be avoided through project modification or other safeguards (e.g., piers in lieu of channel dredging);
- (5) The existence of alternative sites available to reduce unavoidable project impacts; and
- (6) The extent to which the activity requires a waterfront location if dredging or filling wetlands is involved.

Project Review Process

- (1) Significant projects shall be selected by Council using the following criteria:
 - (a) Judgment that significant adverse effects may occur; or
 - (b) Notification by the Council or staff of significant projects that should be considered.
- (2) NMFS shall forward copies of public notices of significant Federally authorized projects or policy immediately to Council staff followed by special briefings, as appropriate, or by NMFS position statements, as developed.
- (3) Council staff, when appropriate, shall catalog notices and forward copies to the Council. The staff shall request state and other Federal assessments (position statements) of project impact and forward them to the Council.
- (4) When appropriate, Council shall develop a Council position.
 - (a) The Council may file adverse comments or recommended project modifications to reduce environmental damage with the Federal construction or regulatory agency (COE, FERC, etc.).
 - (b) Council staff or members may testify at public hearings, as needed.
 - (c) Council may hold public hearings, as appropriate.
- (5) The Council shall report on its actions at Council meetings as needed.

Criteria to Define Significant Projects

- (1) Projects that may directly affect fisheries or habitat for which the Council has a management or research interest.
- (2) Projects which significantly affect habitat important to species managed under the MFCMA or important to species upon which managed species are dependent for food.
- (3) Projects that may be precedent-setting or in unique or critical habitat areas.
- (4) Projects having a substantial or significant indirect impact on surface water flow, detritus export, saltwater intrusion, isolating nursery areas, etc.
- (5) Highly "controversial" projects, i.e., those which generate much publicity, strong opinions from user of the affected resource.

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
HABITAT AND ENVIRONMENTAL PROTECTION POLICY AND
PROCEDURES
(Revised and Adopted April, 1988)**

POLICY:

SAFMC HABITAT AND ENVIRONMENTAL PROTECTION POLICY

Recognizing that all species are dependent on the quantity and environmental quality of their essential habitats, it is the policy of the South Atlantic Fishery Management Council to:

Protect, restore and develop habitats upon which commercial and recreational marine fisheries depend, to increase their extent and to improve their productive capacity for the benefit of present and future generations. (For purposes of this policy, habitat is defined to include all those things physical, chemical and biological that are necessary to the productivity of the species being managed.)

Policy Objectives:

- 1) To protect the current quantity, environmental quality and productive capacity of habitats supporting important commercial and recreational fisheries. (This objective will be accomplished through the recommendation of no net loss or significant environmental degradation of existing habitat.)
- 2) Restore and rehabilitate the productive capacity of habitats which have already been degraded.
- 3) Create and develop productive habitats where increased fishery production will benefit society.

The Council shall assume an aggressive role in the protection and enhancement of habitats important to marine and anadromous fish. It shall actively enter Federal decision-making processes where proposed actions may otherwise compromise the productivity of fishery resources of concern to the Council.

PROCEDURES:

SAFMC RESPONSIBILITIES FOR HABITAT PRESERVATION AND ENVIRONMENTAL PROTECTION

Fishery Management Plans:

The SAFMC staff, through consultation with the Plan Development Team, Species Committee and the NMFS Southeast Regional Office, Habitat Conservation Division, will insure that:

- 1) Habitat important to the species to be managed, where information is readily available, is defined in Fishery Management Plans or Amendments to Plans at the earliest possible stage of development.
- 2) Recommendations to the responsible agencies are included in the plan which identify habitat improvement or changes in Federal policies, which are desirable to achieve the objectives of the plan.

Project and Policy Review:

The SAFMC, through its Habitat and Environmental Protection Committee, may review, comment on or make recommendations on those proposed habitat alterations, policy or other human actions which may have an adverse impact on those fisheries addressed in the Council's plans and or under the authority of the MFCMA. Within 45 days after receiving such a comment or recommendation from the Council, a Federal Agency must provide a substantive detailed response in writing to the Council regarding the matter.

SAFMC PROJECT REVIEW PROCESS

- (1) NMFS Environmental Assessment Branch field personnel shall forward copies of public notices of permit requests for significant State or Federally authorized or Federally permitted projects immediately to Council staff followed by special briefings, as appropriate, or by NMFS position statements, as developed.
- (2) Significant projects may also be selected by the Habitat Committee or Council staff for consideration by the Council.
- (3) Council staff when deemed appropriate, request state and other federal assessments (position statement) of project impact for these projects as soon as developed and forward to the committee.
- (4) The SAFMC Habitat And Environmental Protection Advisory Panel shall, when called upon by the Committee, review proposed actions and provide expert testimony.
- (5) The Habitat Committee shall develop a position to be forwarded to the Council for consideration. The Committee, given time constraints may also take action with concurrence of the Council Chairman:

- (6) The Council shall file comments of concern or recommended project modifications to reduce environmental damage with the Federal construction or regulatory agency (COE, FERC, etc.).
 - (a) Committee members, Advisory Panel members and Council staff may testify in support of Council approved positions at public hearings, as needed.
 - (b) Request clarification from COE and regulatory agencies, as needed.
- (7) The Committee shall report on its actions, at Council meetings as needed.

CRITERIA USED TO DEFINE SIGNIFICANT PROJECTS

- (1) Projects that have a significant direct impact on fisheries for which the Council has a management responsibility.
- (2) Projects that may be precedent-setting or in critical or unique habitat areas.

SAFMC HABITAT AND ENVIRONMENTAL PROTECTION COMMITTEE ASSESSMENT GUIDELINES FOR PROPOSED ACTIONS

The following will serve as guidance to the committee in making its assessment of potential adverse impacts of proposed actions .

- (1) The extent to which precedent would be set in relation to existing or potential cumulative impacts of similar or other developments in the project area;
- (2) The extent to which the activity would directly affect the production of the fishery resources (e.g., alteration of hydrologic regimes, etc.);
- (3) The extent to which the activity would indirectly affect the production of the fishery resources (e.g., alteration of water circulation patterns, salinity regimes, detrital export, etc.);
- (4) The Council will follow mitigation guidelines as defined by CEQ# in assessing the impact of proposed actions.
- (5) The extent of any adverse impact that can be avoided through project modification or other safeguards (e.g., piers in lieu of channel dredging, bridging in lieu of filling);
- (6) The existence of alternative sites available to reduce unavoidable project impacts; and
- (7) The extent to which the activity is water dependant.

SAFMC HABITAT AND ENVIRONMENTAL PROTECTION ADVISORY PANEL

The SAFMC recognizing the importance of and dependence on habitat, by fishery stocks under its jurisdiction will establish a Habitat and Environmental Protection Advisory Panel to aid in the implementation of its Habitat Policy.

The SAFMC shall establish, at its discretion, a Habitat Advisory Panel to advise the Habitat Committee concerning :

- a) proposed activities which may have adverse effects upon the fishery resources, for which the SAFMC has management responsibility; and
- b) habitat issues at the state, regional, or national level which may be of concern to the Council.

Structure:

The SAFMC Advisory panel will consist of four sub-panels which will be the functional components that will, when requested by the Committee review proposed actions or policy affecting habitat. Sub-Panels are composed of one state or regional representative from each of the designated organizations.

- (1) Marine Fisheries Agencies:
North Carolina DNRCD, Division of Marine Fisheries
South Carolina Wildlife and Marine Resources Department
Georgia Department of Natural Resources, Coastal Resources Division
Florida Marine Fisheries Commission
- (2) NMFS Environmental Assessment Branch:
(Ecological Services -Regional Office)
- (3) Agencies Responsible for Coastal Zone Management:
North Carolina DNRCD, Division of Coastal Management
South Carolina Coastal Council
Georgia Department of Natural Resources, Coastal Resources Division
Florida Department of Environmental Regulation
- (4) US Fish and Wildlife Service (Field Office Representative):
Morehead City, NC
Charleston, SC
Brunswick, GA
Vero Beach, FL
- (5) Recreational Fisherman:
NC, SC, GA, FL
- (6) Commercial Fisherman:
NC, SC, GA, FL
- (7) Conservationist:
NC, SC, GA, FL

- (8) US Environmental Protection Agency:
(Southeastern Region Marine and Estuarine Branch)
- (9) US Army Corps of Engineers: (District Representative)
Wilmington, NC
Charleston, SC
Savannah, GA
Jacksonville, FL

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

AGENDA C-7
 SEPTEMBER 1988
 SUPPLEMENTAL
 STEVE COWPER, GOVERNOR

P.O. BOX 3-2000
 JUNEAU, ALASKA 99802-2000
 PHONE: (907) 465-4100

September 16, 1988

RECEIVED
 SEP 23 1988

ACTION	ROUTE TO	INITIAL
	Exec. Dir.	✓
	Deputy Dir.	
	Admin. Off.	
cc: DL	Exec. Sec.	Re
	Staff Asst. 1	
	Staff Asst. 2	
	Staff Asst. 3	
	Economist	
	Sec./Blkr.	
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Mr. Clarence Pautzke
 Executive Director
 North Pacific Fishery
 Management Council
 P. O. Box 103136
 Anchorage, AK 99510

Dear Mr. *Pautzke*

Thank you for sending the North Pacific Fishery Management Council's draft Habitat Policy. The policy statement and supporting narrative are comprehensive and well written. The adoption of a council habitat policy is timely, because habitat loss is a major cause of declining fisheries throughout the nation, and because there is increasing interest in mining and oil and gas development off the coast of Alaska.

I suggest that the habitat policy be interpreted as a means of providing the council the opportunity to interject itself into issues of importance to the fisheries under its purview. The council should, for example, be active in the review of proposed offshore mineral and oil and gas lease sales, and the potential impacts of related development on marine fisheries. The habitat policy should not be interpreted as a requirement forcing the Habitat Committee and council staff to review every permit application or proposed coastal project which may have an impact on the marine environment. Such an obligation could easily overwhelm the council process.

On another subject, the department has no specific groundfish proposals at this time. We will continue to work with the Advisory Panel, Scientific Statistical Committee, and council members and staff to consider groundfish issues and, if deemed appropriate in the future, offer proposals for groundfish amendments.

I look forward to seeing you at the upcoming council meeting.

Sincerely,



Don W. Collinsworth
 Commissioner