AGENDA D-2(b)
DECEMBER 2009

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Chris Oliver
Executive Director

ESTIMATED TIME
4 HOURS
(for all D-2 items)

DATE: December 1, 2009

SUBJECT: Other Management Issues – EFH and HAPC

ACTION REQUIRED

Diana Evans & Matt Eagleton

(b) Review Preliminary EFH 5-year Evaluation / HAPC Priorities

BACKGROUND

EFH 5-year Review Preliminary Report

The EFH Final Rule and each of the Council's FMPs require that a review of EFH components be completed every 5 years. The Final Rule provides guidance that EFH provisions be revised or amended on this timeline, as warranted, based on available information. There are ten EFH components that are included in each of the Council's FMPs, and any change to text of the FMP requires a formal FMP amendment. The ten components are: 1. EFH descriptions and identification; 2. Fishing activities that may adversely affect EFH; 3. Non-Magnuson-Stevens Act fishing activities that may adversely affect EFH; 4. Non-fishing activities that may adversely affect EFH; 5. Cumulative impacts analysis; 6. EFH conservation and enhancement recommendations; 7. Prey species list and any locations; 8. HAPC identification; 9. Research and information needs; and 10. Review EFH every 5 years.

A preliminary summary report of the EFH 5-year review for 2010 was mailed to the Council in November 2009. The preliminary report includes reviews of the individual species EFH information by the groundfish stock assessment authors, as well as the review of most of the non-fishing activities that impact EFH. Preliminary information on the review of fishing effects on EFH is included in the report, however this section will be expanded for the final report, at which time individual species reviews for crab, scallop, and salmon species will also be added.

Under the current timeline, the report will be finalized in March 2010, and distributed to the Council and the public. The Council's role with respect to the review is to decide whether any of the new information highlighted in the review warrants initiating FMP amendments to revise EFH descriptions and recommendations in the Council FMPs. It is anticipated that the Council will make these decisions at the April 2010 meeting, once the report is complete.

The Groundfish Plan Teams discussed the stock assessment authors' EFH review and recommendations for revisions, but due to the timing of their meetings, their conclusions were not included in the preliminary report. Excerpts from their minutes, as they pertain to the EFH review, are attached as Items D-2(b)(1 and 2).

HAPC Priorities

Under the Council's existing Habitat Areas of Particular Concern (HAPC) identification process, the Council will periodically issue a call for proposals for candidate areas that focus on a specific priority habitat types to be identified as HAPC. HAPCs are geographic sites that fall within the distribution of EFH for the Council's managed species. The sites proposed under this process are then sent to the Plan Teams for scientific review to determine whether they have ecological merit, and are also reviewed for socioeconomic and management and enforcement impacts. This combined information is presented to the SSC, the AP, and the Council, and the Council may choose to select various HAPC proposals for further analysis and implementation.

In June 2009, the Council considered whether to set HAPC priorities, and initiate another HAPC proposal cycle. Given the pending EFH 5-year review, and the possibility that HAPC priorities might emerge from that process, the Council opted to postpone a decision on whether to set priorities for HAPCs. The Council chose to synchronize the timing of the two actions so that the results from the five-year review can be considered in setting HAPC priorities, and the HAPC proposal cycle that might result.

A discussion of the most recent HAPC proposal process, suggestions for HAPCs that have come before the Council since that time, and suggestions from the groundfish stock assessment authors for possible HAPC priorities, are included in the EFH 5-year review preliminary report, in chapter 11. Note, the 5-year review report has not yet incorporated recommendations from review of crab, scallop, and salmon EFH. These topics will be included in the final report, scheduled for March 2010.

Ecosystem Committee

The Ecosystem Committee is meeting on Monday, December 7, in order to provide comments or recommendations to the Council on this agenda item. The Committee minutes will be distributed at the meeting.

EXCERPT

Minutes of the Plan Team for the Groundfish Fisheries of the Gulf of Alaska

November 2009

Essential Fish Habitat

Stock assessment authors reviewed current FMP text relating to EFH for each species or species complex and reported new habitat information available since the 2005 EFH EIS. The Plan Teams were requested to assist the Council in two ways. First, the Plan Team was asked to indicate whether the author's review is complete, and consider author recommendations on including new information since the 2005 EFH analysis. Second, the Teams were asked to assist the Council with its evaluation of whether the new information warrants Council action to initiate an FMP amendment(s). The Teams reviewed brief summaries of author recommendations on potential HAPC or EFH conservation recommendations and summaries of proposed revisions to FMP text. A summary of the EFH recommendations is contained in the attached table, and further explanation of recommendations for each species (as noted in table) is contained below.

Pollock:

The Team concurred with the author's recommendation for an FMP update for clarification and updates but low priority based on lack of changes to management.

The Team also concurs with authors recommended research priority for conducting research on impacts of trawling using mid-water gear on benthic habitats.

Sablefish:

The Teams concurred with the author's proposed changes to EFH description by the authors and its resulting prioritization for amendment analysis. The Teams discussed the need for additional research on the recovery rates of sensitive habitat features and their role in the survival and growth of the early juvenile life stage of sablefish and other species that inhabit those areas. This is particularly important in light of recent stock trends for sablefish and concerns with sablefish recruitment. The Teams noted that if impacts to habitat are impacting survival of younger sablefish then this would be important information, and noted that fishing intensity, especially on the Bering Sea shelf, is very high. In light of this discussion, the Teams concurred with the HAPC recommendation that small unobtrusive research closures in areas of extensive and intensive bottom trawling (i.e., trawling that hits the bottom) would be a responsible step for determining whether EFH is adversely affected. The Teams recommended this as a high priority for Council consideration.

Shallow water flatfish:

The Team discussed the recommendation to remove the AK Plaice and yellowfin sole descriptions from the GOA FMP. The Team questioned the purpose of defining EFH as to whether it is for all species in the FMP or only target species. Diana Evans clarified that the life history information currently included in the GOA FMP for yellowfin sole is copied from the BSAI FMP and thus would need to be either removed or revised.

The Team did not believe it was appropriate to remove the EFH description and recommends updating the descriptions for both yellowfin sole and AK Plaice. Yellowfin sole was previously an abundant component of the shallow water flatfish complex, which is now in a declining trend. The Team noted that should the

GOA fisheries ever become rationalized, there could be a greater ability to target these species in the future.

The Team received a verbal update on plans for modification of EFH for rocksole species. Previously under the EFH amendment in 2005 there was only one rocksole species identified, now this has been split into northern and southern rocksole. These two species have different early life histories. While the Team did not have a written recommendation from the author on the EFH changes necessary (and thus could not recommend prioritization) it seemed that these would represent a major change and would like be elevated in priority.

Deepwater flatfish:

The Team reviewed the nature of the proposed changes to Dover sole EFH including larval distribution updates, biological updates, and updates to age at maturity, spawning season, predators and prey, and updated literature citations. There were no major proposed changes to evaluation of fishing effects. These updates were considered a moderate priority for FMP amendments due primarily to the elevated priority conferred regarding larval distribution updates as this impacts actual EFH designation for this life-history stage.

The Team concurred with author's recommendation for Greenland turbot EFH deletion because it is sporadically present in the GOA and on the edge of its range.

Rex sole:

The Team recommended this as a moderate priority for an amendment analysis, primarily due to the need to update the larval distribution map. This could have broader implications for designation of EFH for this life history stage than the other minor proposed changes to EFH for this species.

Arrowtooth flounder:

The Team did not have written documentation of proposed EFH changes for arrowtooth flounder but were provided a verbal update on proposed changes. Based on this it did not sound as though major changes to EFH text were likely to be recommended, but rather minor updates to text and updated references.

Flathead sole:

The Team concurred with the author's proposed changes including: updating larvae distribution map from EcoFOCI; updates to habitat and predator prey associations, updates to spawning substrate; updates to the fishery description; updated juvenile distribution; but no changes to the evaluation of fishing effects. Team recommends this as a moderate priority for EFH, primarily due to the implications of the modifications to the EFH distribution of the larval life-history stage.

Atka mackerel:

The Team concurred with the author's proposed updates to nesting sites, habitat, biological and prey associations for various life history stages. The Team concurred that the nature of these revisions elevates this as a higher priority FMP amendment.

The Team discussed the fishing effects on habitat and the ability to assess relative impacts on stocks. This relates to the conclusions of no relative impact on Atka mackerel populations. This conclusion (from EFH EIS) is based on increases in Atka population. Atka mackerel are associated with living structure but current information is not available to understand the linkages between habitat and requirements for feeding, growth, and spawning for Atka mackerel, hence the assumption is that impacts on living structure as it relates to Atka mackerel EFH is minimal and temporary.

The Team discussed the relative question of EFH research, and to what extent we are currently doing enough to identify and protect habitat, and if there are fishing impacts on habitat, are we doing enough to mitigate that effect. The Team recommends further studies on habitat impacts but in particular studies on the linkages of habitat to species productivity. Current studies do not seem to focus on this linkage.

Paul Spencer noted that Atka mackerel would be a good candidate to look at stock structure with the new stock structure template. The Team suggested the assessment author pursue this.

Shortraker rockfish, rougheye rockfish, blackspotted rockfish:

Previously Shortraker rockfish and rougheye rockfish EFH was defined together in the FMP. Under the author's revisions, they have been separated with separate maps and EFH descriptions by species. The Team recommends this as a higher priority for an FMP amendment as it requires specifying EFH for species for which it was not previously specified.

Octopus:

The author noted substantial EFH updates. Information for defining EFH for octopus however is still insufficient. The Team recommends this as a moderate priority for an EFH FMP updates. The Team was unclear as to whether or not adding general distribution maps changes the level of available from 'no information' to level 1 information. The authors noted however that general distribution maps are still insufficient information for designating EFH for octopus.

Forage fish:

The Team had a similar discussion as with octopus relative to the level of available distributional information necessary to designate as EFH for species rather than just providing an overview of distribution (i.e. to move from 0 to 1 in terms of availability of information). The Team recommends this as a higher priority amendment depending upon the availability of information to describe spawning streams and EFH for forage fish species.

Species/ complex as identified in GOA SAFE report	Species/ complex for which EFH is defined in GOA FMP	Plan Team review			
		Is review complete?	Recommendations for Council action		Other recommendations
			FMP amendment?	Priority?	
pollock	pollock	Y	Y	low	See discussion in text
pacific cod	pacific cod	Y	Y	low	Minor changes to FMP text,
sablefish	sablefish	Y	Y	high	See discussion in text
shallow water flatfish	yellowfin sole	N		high	Verbal update, see discussion in text
	Northern rock sole[1]	N			
	Southern rock sole[1]	N			
	Alaska plaice	N			
deep water flatfish	Dover sole	Y	Y	moderate	See discussion in text
	Greenland turbot				
rex sole	rex sole	Y	Y	moderate	See discussion in text
arrowtooth flounder	arrowtooth flounder	N			Verbal update provided, assumed minor edits
flathead sole	flathead sole	Y	Y	moderate	See discussion in text
Pacific ocean perch	Pacific ocean perch	Y	Y	low	Minor changes to FMP text
northern rockfish	northern rockfish	Y	Y	low	Minor changes to FMP text
shortraker rockfish	shortraker/ rougheye rockfish	Y	Y	high	See discussion in text
blackspotted/ rougheye rockfish					
pelagic shelf rockfish	dusky rockfish	Y	Y	low	Minor changes to FMP text
demersal shelf rockfish	yelloweye rockfish	Y	Y	low	Minor changes to text and tables
thornyhead rockfish	thornyhead rockfish	Y	Y	low	Minor changes to text and tables
Atka mackerel	Atka mackerel	Y	Y	high	See discussion in text
skates	skates	Y	Y	low	Minor changes to FMP text, unlikely to affect management
other species	octopus	Y	Y	moderate	See discussion in text
	sharks	Y	Y	high	Need to describe shark EFH
	sculpins	Y	Y	low	Minor changes to FMP text,
	squid	Y	Y	low	Minor changes to FMP text,
forage fish	forage fish complex	Y	Y	moderate	See discussion in text

[1] Note, the GOA FMP currently defines EFH for rock sole, and does not distinguish between northern and southern, as is being suggested in this review.

EXCERPT

BSAI Groundfish Plan Team Minutes
AFSC- Seattle, WA
November 16-19, 2009

Essential Fish Habitat Stock assessment authors reviewed current FMP text relating to EFH for each species or species complex and reported new habitat information available since the 2005 EFH EIS. The Plan Teams were requested to assist the Council in two ways. First, the Plan Team was asked to indicate whether the author's review is complete, and consider author recommendations on including new information since the 2005 EFH analysis. Second, the Teams were asked to assist the Council with its evaluation of whether the new information warrants Council action to initiate an FMP amendment(s).

The Teams reviewed brief summaries of author recommendations on potential HAPC or EFH conservation recommendations and summaries of proposed revisions to FMP text. The Team concurred with author recommendations for nearly all species/complexes. The team did not concur with the author's recommendation to remove the EFH description for dover sole from the other flatfish assemblage (as noted above). The team discussed Paul Spencer's recommendation to delete the EFH text in the BSAI Groundfish FMP on yelloweye rockfish in more detail. He reported that this species is at the end of its range in the BSAI and are seldom encountered in the fisheries or surveys; further, there was little EFH information included in the EFH text to delete. Jane DiCosimo responded that if the EFH text was removed because the species does not occur in the BSAI, then the species should be removed from the species list in the other rockfish assemblage for the same reason. Bill Clark suggested that a decision should be made first whether the species should be included in the assemblage, and then the EFH text issue should follow that rationale. After the meeting, Paul provided additional information supporting his recommendation to delete the EFH text, but the team did not readdress this issue.

The Team confirmed that the EFH text review was completed and would require FMP amendments and recommended that Council action for nearly all species/complexes as a low priority, except for EFH text amendments for sablefish, Atka mackerel, and skates (additional detail is provided in the attached table). The Team did not provide additional recommendations to the Council on potential candidate sites for HAPC, recommendations for EFH conservation or enhancement.

Species/ complex as identified in BSAI SAFE report	Species/ complex for which EFH is defined in BSAI FMP	Plan Team review			
		Is review complete?	Recom-mendations for Council action: FMP amendment?	Recom-mendations for Council action: Priority?	Other recommendations
pollock	pollock	Y	Y	L	
pacific cod	pacific cod	Y	Y	L	
sablefish	sablefish	Y	Y	M*	l Information added to the EFH description for early juveniles; general information sections; minor updates to the timing of the spawning season; recent fishery information; updated literature sections; ongoing studies identified; research priorities for sablefish identified; HAPC recommendation: small, unobtrusive research closures in areas of extensive and intensive bottom trawling to see whether EFH is being adversely affected; EFH conservation recommendation: more research on the recovery rates of sensitive habitat features and their role in the survival and growth of the early juvenile life stage of sablefish and other species that inhabit those areas.
yellowfin sole	yellowfin sole	Y	Y	L	
greenland turbot	greenland turbot	Y	Y	L	
arrowtooth flounder	arrowtooth flounder	Y	Y	L	
Northern rock sole	rock sole[1]	Y	Y	L	
flathead sole	flathead sole	Y	Y	L	
Alaska plaice	alaska plaice	Y	Y	L	
other flatfish	Rex sole	Y	Y	L	
	dover sole	Y	Y	L	
Pacific ocean perch	Pacific ocean perch	Y	Y	L	
northern rockfish	northern rockfish	Y	Y	L	
shortraker rockfish	shortraker/ rougheye rockfish	Y	Y	L	
blackspotted/ rougheye rockfish		Y	Y	L	
other rockfish	yelloweye rockfish	Y	Y	L	
	dusky rockfish	Y	Y	L	
	thornyhead rockfish	Y	Y	L	

[1] EFH is defined generally for rock sole, not specifically for northern rock sole, and the life history section of the FMP text is written for southern rock sole.

Species/ complex as identified in BSAI SAFE report	Species/ complex for which EFH is defined in BSAI FMP	Plan Team review			
		Is review complete?	Recommendations for Council action: FMP amendment?	Recommendations for Council action: Priority?	Other recommendations
atka mackerel	atka mackerel	Y	Y	M*	New information available on: distribution of eggs (nesting sites); habitat, biological, and prey associations for various life history stages; prey information; fishery information; literature references added (substantial); minor change to evaluation of fishing effects text to indicate that stock no longer at peak spawning biomass, although biomass is still relatively high; several research priorities; No indication of substantial changes in fishing activity since the EFH EIS that would affect Atka mackerel EFH
squid	squid	Y	Y	L	
other species	octopus	Y	Y	L	
	sharks	Y	Y	L	
	sculpins	Y	Y	L	
	skates	Y	Y	M*	added info on skate nursery areas and suggested upgrading EFH info level for "eggs" from 0 to 1; updated fishery information; updated contact information; text regarding potential impact of bottom gear on skate nursery habitat; updated relevant literature; research priorities for BSAI skates identified potential for HAPC designation for skate nursery areas, which may affect fishery management
forage fish	forage fish complex	Y	Y	L	

* medium ranking – more information that low ranking EFH amendments, but would **not** warrant a separate, higher ranking amendment package