



New England
Fishery Management
Council



MID-ATLANTIC
FISHERY MANAGEMENT COUNCIL

August 31, 2020

Emily Biondi
Chief
Office of Project Development and Environmental Review
US Department of Transportation Federal Highway Administration
1200 New Jersey Ave. SE
Washington, DC 20590

Dear Northeast Fish Habitat and Ecosystem Partner,

The Mid-Atlantic and New England Fishery Management Councils are two of the eight regional Councils responsible for managing fisheries in the federal Exclusive Economic Zone in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Sustainable fisheries depend on healthy habitats and a healthy ecosystem. The Councils are directed by the MSA to identify Essential Fish Habitat (EFH) and reduce, to the maximum extent practicable, the impact of fishing on EFH and to identify and recommend actions to reduce impacts of non-fishing activities on EFH. Although NOAA Fisheries conducts EFH consultations, agencies and other regional habitat partners are encouraged to coordinate their actions that impact EFH designated by the Council.

Following this introduction is a letter from the Council Coordination Committee acknowledging the shared interests of the U.S. Regional Fishery Management Councils in addressing habitat issues. The letter explains how the Councils collaborate with NOAA Fisheries and other federal agencies in designating and conserving EFH. As an organization involved in habitat consultation, you are undoubtedly aware of the process and your responsibilities. However, you may be less aware of our Councils roles in designating EFH and guiding habitat conservation. Through this letter we hope to increase awareness and express our willingness to partner with your organization to ensure cooperative fish habitat protection and conservation.

Thank you for your ongoing contributions to fish habitat conservation. If you have any questions about the Councils or their activities or wish to discuss how we can improve regional coordination, please contact Council staff responsible for habitat in the Mid- Atlantic, Jessica Coakley (jcoakley@mafmc.org; 302-526-5252) and New England, Michelle Bachman (mbachman@nefmc.org; 978-465-0492 ext. 120). We look forward to enhancing and developing new partnerships for habitat conservation in the Northeast.

Sincerely,

Christopher M. Moore, Ph.D.
Executive Director, Mid-Atlantic Fishery Management Council

Thomas A. Nies

Thomas A. Nies
Executive Director, New England Fishery Management Council

cc: K. Lynch, D. Suci Smith, T. Nies, C. Kellogg, J. Quinn, E. Reid, C. Moore, M. Luisi, W. Townsend, M. Bachman, J. Coakley

May 28, 2020

Dear Habitat Partners,

The Council Coordination Committee (CCC) represents the shared interests of the U.S. Regional Fishery Management Councils (Councils). With this letter we seek to explain how the Councils collaborate with NOAA Fisheries and other federal agencies in the designation and conservation of essential fish habitat (EFH). As an agency that undertakes EFH consultations, you are undoubtedly aware of the process and your responsibilities. However, you may be less aware of the role Councils play in EFH designation and in guiding habitat conservation in our respective regions. We hope that your agency will see Councils as a partner in habitat conservation, and that we can foster productive relationships to cooperatively improve protection and conservation of EFH across all regions.

We look forward to continuing, or perhaps developing, a meaningful partnership around habitat conservation for our nation's fishery resources. Toward that end, we encourage you to establish a relationship with your regional habitat-focused Council staff. Communicating with your regional Council staff can lead to more informed Council discussions and recommendations on specific EFH actions and/or assessments. For example, agencies and Councils working together to identify the types of actions for which an EFH assessment should be provided to Councils would mark a substantial step toward building strong partnerships to better conserve valuable EFH.

Attached to this letter please find some additional information as it relates to the role of Councils in EFH issues. The letter also includes key EFH contacts at each of the Regional Fishery Management Councils. Please do not hesitate to reach out to staff with questions about our designations or related fishery management measures, or if you have information or suggestions for improving our EFH-related work or how it is communicated.

Sincerely,



Taotasi Archie Soliai, Chair
Western Pacific Fishery Management Council



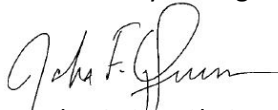
Mike Luisi, Chair
Mid-Atlantic Fishery Management Council



Phil Anderson, Chair
Pacific Fishery Management Council



Marcos Henke, Chair
Caribbean Fishery Management Council



Dr. John Quinn, Chairman
New England Fishery Management Council



Jessica McCawley, Chair
South Atlantic Fishery Management Council



Simon Kinneen, Chair
North Pacific Fishery Management Council



Dr. Thomas Frazer, Chair
Gulf of Mexico Fishery Management Council





The Regional Fishery Management Council's Role in Essential Fish Habitat

Under the federal fisheries management system, Councils are responsible for developing fishery management plans that minimize impacts of fishing on fish habitats to the extent practicable. To support this effort, Councils are mandated to identify and designate EFH for all managed species. EFH designation is required by Section 303 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and defined at 50 CFR 600, Subpart J as "waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." Councils base EFH designations on the best available scientific information. The purpose of designations is not only to aid our fishery management work, but also to serve as a robust foundation for the consultation process, which seeks to minimize impacts to EFH from fishing and non-fishing activities alike. EFH regulations (600 CFR Subpart K) require federal agencies to consult with NOAA Fisheries on any actions authorized, funded, or undertaken by the agency that may adversely affect EFH.

Beyond developing EFH designations, Councils consider the impacts of non-fishing activities on EFH during development of fishery management plans. As such, they are authorized to make recommendations to any federal or state agency concerning activities that, in the view of the Council, may affect the habitat of a fishery resource under its authority (MSA Sec. 305(b)(3)). While NOAA Fisheries Regional Offices are responsible for conducting EFH consultations, Councils often partner with NOAA Fisheries colleagues as they coordinate with regional partners to minimize such impacts.

As an example, in Alaska, Council staff have recently begun to attend meetings between the NOAA Fisheries Alaska Regional Office's Habitat Conservation Division and U.S. Army Corps of Engineers (USACE) Civil Works to identify projects authorized or conducted by the USACE that might affect nearshore EFH. The intention is to identify EFH conservation measures that could be designed to *avoid* impacts, rather than implemented after the fact to *mitigate* impacts.

As another example, the South Atlantic Fishery Management Council and staff engage regional partners in EFH and policy development through an advisory panel that includes seats for the NOAA Fisheries Southeast Regional Office's Habitat Conservation Division, Bureau of Ocean and Energy Management, US Navy, other federal agencies, state coastal zone management and fishery agencies, as well as regional fishing industry members and NGOs. Early coordination between the Navy and NOAA Fisheries panel members regarding the Navy's Atlantic Fleet Testing and Training Area resulted in effective and extensive integration of EFH consultation recommendations based on Council EFH designations and policies.

Many Councils have drafted habitat policies to inform and guide the consultation process. These policies are typically focused on specific non-fishing activities (e.g., coastal

development, offshore energy, etc.) and often incorporate best management practices for habitat conservation. NOAA Fisheries staff often reference these policies as they provide conservation recommendations. We encourage you to take note of these policies in your region, and consider them in the early phases of project development.

The CCC encourages federal partners to participate in the Councils’ public meetings and the EFH identification process. During this process, Councils work closely with NOAA Fisheries Regional Offices and Science Centers. The core scientific data to support designations is often collected by the Science Centers and by state fishery management agencies, but the Councils also rely on information from additional sources. Council responsibilities include convening technical working groups to review habitat information, and ensuring the continued scientific validity of EFH designations, which are reviewed periodically, ideally every five years. Regional Offices convey how changes in designations may affect consultations. Federal partners may have valuable data to inform designations, and can convey how changes to designations might affect consultation activities, given knowledge about specific types of projects and the environments in which they occur.

For more information on EFH: <https://www.fisheries.noaa.gov/national/habitat-conservation/essential-fish-habitat>

Council EFH Points of Contact

Regional Fishery Management Council	Habitat Representative	Email	Office Phone
Caribbean	Graciela Garcia- Moliner	graciela_cfmc@yahoo.com	787-766-5926
Gulf of Mexico	Lisa Hollensead	lisa.hollensead@gulfcouncil.org	813-348-1630
Pacific	Kerry Griffin	kerry.griffin@noaa.gov	503-820-2409
Mid-Atlantic	Jessica Coakley	jcoakley@mafmc.org	302-526-5252
New England	Michelle Bachman	mbachman@nefmc.org	978-465-0492 x120
North Pacific	Steve MacLean	steve.maclean@noaa.gov	907-271-2809
South Atlantic	Roger Pugliese	roger.pugliese@safmc.net	843-302-8434
Western Pacific	Joshua DeMello	joshua.demello@wpcouncil.org	808-522-7493