

3. ESSENTIAL FISH HABITAT

NMFS began Phase I of the five-year HMS Essential Fish Habitat (EFH) review and update in the Consolidated HMS FMP, which was released on July 14, 2006 (71 FR 40096). In that document, NMFS provided new information collected since the EFH boundaries were established in 1999. However, NMFS did not modify any of the existing EFH identifications or boundaries in the Consolidated HMS FMP or propose any measures to minimize impacts from fishing gears. Rather, NMFS presented new EFH information and data collected since 1999, including gear evaluations, and requested public comment on any additional data or information that needed to be included in the five-year review. The purpose of the EFH review was to gather any new information and determine whether modifications to existing EFH descriptions and delineations were warranted. While NMFS has presented new information relative to HMS EFH in the annual SAFE reports in previous years, the Consolidated HMS FMP included the first comprehensive review of all new information related to HMS EFH that had been completed since 1999.

On November 7, 2006, NMFS published a Notice of Intent (71 FR 65088) to prepare an EIS to examine management alternatives for revising existing HMS EFH, consider additional Habitat Areas of Particular Concern (HAPCs), and identify ways to avoid or minimize, to the extent practicable, adverse fishing impacts on EFH, consistent with the Magnuson-Stevens Act and other relevant Federal laws. At that time, NMFS requested new information not considered previously in the Consolidated HMS FMP, comments on potential HAPCs, and information regarding potential fishing/non-fishing impacts that may adversely affect EFH.

Amendment 1 to the Consolidated FMP will update and revise existing HMS EFH as necessary, consider any new HAPCs or modifications to existing HAPCs, analyze fishing and non-fishing impacts on EFH, and consider measures to minimize fishing impacts if any gears are determined to have a negative impact. NMFS has developed a Pre Draft for Amendment 1 that provides the overall approach and range of alternatives to be considered in the development of the Draft FMP Amendment. The Magnuson-Stevens Act requires a comprehensive review of all EFH information at least once every five years, and this amendment constitutes Phase 2 of the comprehensive review and update of EFH for all HMS that began with the Consolidated HMS FMP. In addition, a great deal of new information has become available in recent years, including information on the biology, habitat requirements, life history characteristics, migratory patterns, spawning, pupping, and nursery areas of Atlantic HMS that will be considered when updating EFH. NMFS presented the Pre Draft to the HMS Advisory Panel in October 2007. NMFS is currently developing Draft Amendment 1 to the HMS FMP, which it plans to publish in 2008.