

3.0 ESSENTIAL FISH HABITAT

On September 19, 2008, NMFS published a Notice of Availability of Draft Amendment 1 to the Consolidated HMS FMP for Essential Fish Habitat (EFH). The purpose of Draft Amendment 1 is to update and revise existing HMS EFH as necessary, consider new Habitat Areas of Particular Concern (HAPCs), analyze fishing and non-fishing impacts on EFH, and consider measures to minimize fishing impacts, as necessary, if any gears are determined to have a negative effect on EFH. The Magnuson-Stevens Act regulations call for a review of all EFH information at least once every five years, and Amendment 1 constitutes the comprehensive review and update of EFH for all HMS. As described in the Draft Amendment 1 to the Consolidated HMS FMP, an internet-based mapping program (HMS EFH Evaluation Tool) is being used to demonstrate to the public proposed changes to EFH boundaries. Throughout the comment period, the site will also provide all of the original 1999 EFH boundaries for comparative purposes. Copies of the Draft EFH Amendment are available at <http://www.nmfs.noaa.gov/sfa/hms/EFH>.

Management History

NMFS began the comprehensive review of all HMS EFH 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. NMFS did not modify or update any of the existing EFH identifications, descriptions, or boundaries in the Consolidated HMS FMP or propose any new measures to minimize impacts from fishing gear. Rather, NMFS presented new EFH information and data collected since 1999, including an evaluation of fishing gear impacts, and requested public comment on any additional data or information that needed to be included in the 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 Stock Assessment and Fishery Evaluation (SAFE) reports in previous years, the Consolidated HMS FMP included the first comprehensive review of all new information related to EFH that had been completed since 1999.

On November 7, 2006 (71 FR 65088), NMFS published a Notice of Intent to prepare an Environmental Impact Statement (EIS) to examine alternatives for updating existing HMS Essential Fish Habitat (EFH), consider additional Habitat Areas of Particular Concern (HAPCs), analyze fishing gear impacts, and if necessary, 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 previously considered in the Consolidated HMS FMP, comments on potential HAPCs, and information regarding potential fishing and non-fishing impacts that may adversely affect EFH.

NMFS made available a Pre-Draft of Amendment 1 that included a general description of the approaches being considered to update EFH, to consider new HAPCs, and where applicable, to minimize fishing impacts. The Pre-Draft also served to obtain additional information and input from the public and Atlantic HMS Consulting Parties on potential options or alternatives to

consider prior to development of the formal Draft EIS for Amendment 1 to the Consolidated HMS FMP. The Pre-Draft included a summary of the purpose and need for updating and revising EFH boundaries and a general description of the ecological, social, and economic impacts of alternatives that NMFS was considering at that time. A summary of the comments received during the scoping period and on the Pre-Draft are provided in Appendix 1 of Draft Amendment 1.

NMFS solicited comments and advice from Atlantic HMS Consulting Parties on the range of alternatives and whether there were any additional alternatives that should be considered. Additionally, NMFS solicited comments on the impacts described for each of the alternatives. NMFS took into account comments received from the HMS AP and the public on how best to proceed with alternatives to update EFH. NMFS received a number of comments ranging from data considerations, extent of EFH, impacts on EFH, and concerns about HAPCs. Specific comments and responses were included in Appendix 1 of the DEIS. In addition, on March 30, 2007, NMFS received a request from the Tag-A-Giant Foundation (TAG) and the National Coalition for Marine Conservation (NCMC) to consider HAPCs for bluefin tuna spawning areas in the Gulf of Mexico.

As part of the comprehensive review, a search of all new literature and information was undertaken to assess habitat use and ecological roles of HMS EFH. Published and unpublished scientific reports, fishery dependent and independent datasets, and expert and anecdotal information detailing the habitats used by the managed species were evaluated and synthesized for inclusion in the review process in the Consolidated HMS FMP. Ongoing research on the biology, ecology, and early life history of Atlantic HMS and research and publications relating to HMS EFH were described in Chapter 10 of the Consolidated HMS FMP.

Based on the data collected and presented in the Consolidated HMS FMP, NMFS determined that modification to existing EFH for some species and/or life stages may be warranted, but that any changes to EFH, including new HAPCs and potential measures to minimize fishing impacts, should be considered in a separate amendment. NMFS also conducted a comprehensive review of all Federal and non-Federally managed fishing gears that will form the basis for further analysis on gear impacts in this amendment.

In order to consolidate all Atlantic HMS EFH into one document, all EFH text descriptions and maps previously provided in separate documents were combined in the Consolidated HMS FMP. Specifically, all the EFH descriptions and maps from the 1999 FMP for Tunas, Swordfish, and Sharks, Amendment 1 to the Billfish FMP (1999), and Amendment 1 to the FMP for Tunas, Swordfish, and Sharks (2003) were provided in the Consolidated HMS FMP. Maps in the Consolidated HMS FMP also depicted distribution data acquired through the review process and provided an opportunity for public comment on the need for any additional information to be considered. The original EFH descriptions and boundaries from the 1999 FMP, as well as updates from the 2003 FMP Amendment, may be found in Appendix B (Volume III) of the Consolidated HMS FMP. Table 3.1 lists the history of all previous HMS FMPs or FMP Amendments that identified or updated EFH.

Table 3.1 Management history for HMS EFH.

FMP or Amendment	Species for which EFH was identified
1999 FMP for Atlantic Tunas, Swordfish, and Sharks	EFH first identified and described for Atlantic tunas, swordfish and sharks
1999 Amendment 1 to the Billfish FMP	EFH first identified and described for Atlantic billfish
2003 Amendment 1 to the FMP for Atlantic Tunas, Swordfish and Sharks	EFH updated for five shark species (blacktip, sandbar, finetooth, dusky, and nurse sharks)
2006 Consolidated Atlantic HMS FMP	Comprehensive review of EFH for all HMS. EFH for all Atlantic HMS consolidated into one FMP. No changes to EFH descriptions or boundaries
2008 Amendment 1 to the Consolidated Atlantic HMS FMP	EFH updated for all Atlantic HMS