

Letter For the CCC regarding partnerships

The Council Coordination Committee (CCC) represents the shared interests of the U.S. Regional Fishery Management Councils (referred to hereafter as 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.

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.

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.

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.

We look forward to continuing, or perhaps developing, a meaningful partnership around habitat conservation for our nation's fishery resources. We encourage you to build a relationship with your local habitat-focused Council staff through your NOAA Fisheries Regional Office. Improved communication between the Councils and your agency in each region could help determine whether sharing specific EFH actions and/or assessments would be of particular interest for a Council to make informed comments and recommendations. 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 a strong partnership to better conserve valuable EFH.

Attached to this letter please find a short list of EFH-related resources and 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.

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

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