

**Action Plan to Develop an Amendment to address
Essential Fish Habitat requirements for all Council FMPs (i.e., omnibus)
(Updated as of March 20, 2023)**

Council: Mid-Atlantic

Type of Action: An omnibus “EFH Amendment” with a concurrent EFH Review.

Applicable Fisheries: All Council fisheries with EFH designation requirements. Monkfish is excluded, as MAFMC is not the lead Council.

Objective of Action: This action will address the 10 components of the Essential Fish Habitat Review for the Council and the Council will consider revising EFH components or associated management measures as part of this an omnibus action to amend all FMPs simultaneously.

Expertise Sought:

Fishery Management Action Team (FMAT)		
Agency	Expertise	Person
MAFMC	FMAT Chair	Jessica Coakley
MAFMC	Habitat	Tori Kentner
NMFS GARFO	Habitat/GARFO Lead on Action	Jessie Murray
NMFS GARFO	Sustainable Fisheries	Doug Potts
NMFS GARFO	Protected Resources	Danielle Palmer
NMFS GARFO	NEPA	Sharon Benjamin
Monmouth U/NEFSC/NEFMC	Habitat Modeling	Chris Haak
NEFSC	Habitat, Economics	TBD
NEFMC	Habitat	Michelle Bachman

Type of NEPA Analysis Expected: Document expected to be an EA.

Acronym	NEPA Analysis	Requirements
EA	Environmental Assessment	NEPA applies, no scoping required, public hearings required under MSA*
EIS	Environmental Impact Statement	NEPA applies, scoping required, public hearings required

* If significant impacts are identified the action will be elevated to an EIS.

Types of Measures to be Considered: The Council will consider measures that address the 10 components of the EFH review for the FMPs.

1. Description and Identification of EFH

Evaluate new scientific literature and information from other relevant sources to see whether species-specific EFH description and identification, as written in the FMP as text and provided as maps, is appropriate and reflects best available information and methods. Suggest changes to EFH text or map designations as appropriate.

2. Fishing activities that may adversely affect EFH

Review whether there have been changes in or newly available information on fishing activities that may adversely affect EFH. Evaluate the impact of fishing activities on EFH.

3. Non-Magnuson-Stevens Act fishing activities that may adversely affect EFH

Review whether there have been changes in current Non-Magnuson-Stevens Act fishing (e.g., state water fisheries). Evaluate the impact of non-MSA fishing activities on EFH.

4. Non-fishing related activities that may adversely affect EFH

Review whether there have been changes to or newly available information on non-fishing activities affecting habitat. Evaluate the impact of non-fishing activities on EFH.

5. Cumulative impacts analysis

Review cumulative impacts discussions across all FMPs, and update if appropriate.

6. Conservation/Fishing Impact Recommendations

Review fishing and non-fishing activities and determine whether actions to minimize impacts on EFH or other conservation actions are appropriate.

7. Prey species

Review prey species information and determine if updates are appropriate.

8. Identification of HAPC

Review current HAPC designations and approach, and consider new approaches and/or new candidate HAPC designation and approaches.

9. Research Needs

Review existing habitat research needs and determine whether updates are appropriate.

10. Develop approaches to better integrate goals and objectives into habitat actions.

Consider how habitat goals and objectives can be used to make the Council’s use of its habitat authorities more effective.

Applicable Laws/Issues:

Magnuson-Stevens Act	Yes
Administrative Procedures Act	Yes
Regulatory Flexibility Act	Yes
Paperwork Reduction Act	Unlikely, depends upon the actions taken
Coastal Zone Management Act	Possibly; depends upon effects of the action on the resources of coastal states in the management unit
Endangered Species Act	Possibly; level of consultation, if necessary, depends upon the actions taken
Marine Mammal Protection Act	Possibly; level of consultation, if necessary, depends upon the actions taken
E.O. 12866 (Regulatory Planning and Review)	Yes
E.O. 12630 (Takings)	Unlikely; legal review will confirm
E.O. 13132 (Federalism)	Unlikely; legal review will confirm
Essential Fish Habitat	Yes
Information Quality Act	Yes

Other Issues: At this time, no additional issues have been identified.

Timing Issues: At this time, no timing issues have been identified.

Amendment Timeline (Development/Review/Implementation; as of March 20, 2023):

2023-2025 Development Track	
October 2022	Council initiated action and omnibus Amendment
January 2023	FMAT Formed
February 2023	First FMAT meeting to review draft action plan and identify next steps
March – August 2023	Develop approaches for EFH and HAPC designation alternatives (1 & 8); begin to address other aspects of the EFH Review (2-7); may include meetings of FMAT and additional habitat experts)
Early Fall 2023	Ecosystem and Ocean Planning (EOP) Committee reviews approaches/alternatives to develop EFH and HAPC designations (1 & 8)
Fall 2023 – July 2024	Continue development work. May include meetings of FMAT, EOP Committee and EOP Advisory Panel
August 2024	Council approves public hearing draft
September/October 2024	Public Hearings and Comment Period
November 2024	EOP Committee meets to consider public comment/develop recommendations to Council
December 2024	Council considers taking final action – submits to NMFS for review, rulemaking, and implementation
January – April 2025	Rulemaking document finalized
December 2025	Final Rule by NMFS