



**NOAA  
FISHERIES**

# Draft HMS Essential Fish Habitat 5-Year Review

**HMS Advisory Panel Meeting**

**May 11, 2023**

# Outline

- Refresher on Essential Fish Habitat (EFH)
- Highly Migratory Species (HMS) EFH Review & Update Process
- Draft 5-Year Review Outcomes
- Next Steps

**Draft  
Atlantic Highly Migratory Species  
Essential Fish Habitat  
5-Year Review**



United States Department of Commerce  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service  
Atlantic Highly Migratory Species Management Division

May 2023



**NOAA  
FISHERIES**



## HMS EFH...What Is It?

*“those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity”*



**NOAA**  
**FISHERIES**



## EFH-related Contents of FMPs (see 50 C.F.R. 600.815)

- Description and identification of EFH\*
- MSA Fishing activities\*
- Non-MSA fishing activities\*
- Non-fishing activities\*
- Conservation and enhancement\*
- Cumulative impacts
- Prey
- Habitat Areas of Particular Concern (HAPCs)
- Research & information needs
- Review & revision procedures



**NOAA**  
**FISHERIES**





# HMS EFH...Why do we update it?

- National Standard 2 requires that measures under FMPs and regulations be based on **best scientific information available**.
- HMS EFH documents are used in **habitat consultations**.
  - All Federal agencies to consult on all actions or proposed actions authorized, funded, or undertaken by the agency that may adversely affect EFH.
- EFH regulations provide for a review of EFH at least **once every 5 years**.



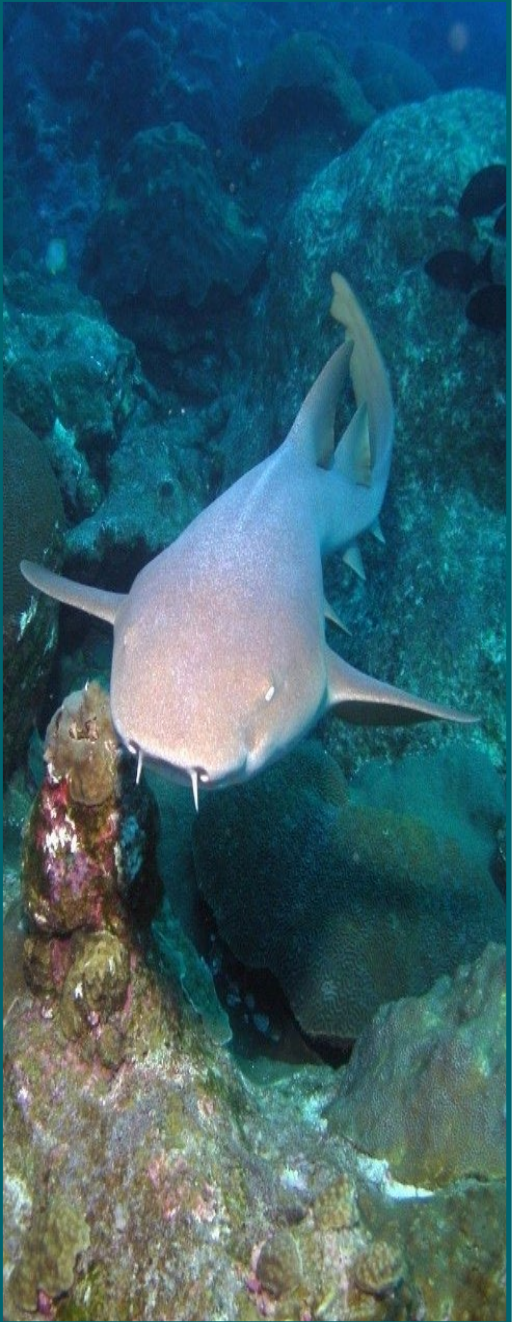
**NOAA**  
**FISHERIES**

# Timeline of HMS EFH Actions

- 1999 EFH is first designated for Atlantic HMS
- 2003 EFH updated for some species
- 2009 Amendment 1 – 5-year review and update of EFH
- 2010 Amendment 3 – Designated smoothhound EFH  
Interpretive rule – Recognized roundscale spearfish, added it to the management unit, designated EFH
- 2015 HMS EFH 5-Year Review
- 2017 Amendment 10 – HMS EFH update, minor updates to existing HAPCs, added HAPCs for sand tiger and lemon shark
- 2022 Request for Information & Initiation of a 5-Year Review**
- 2023 Draft HMS EFH 5-Year Review**



**NOAA**  
**FISHERIES**



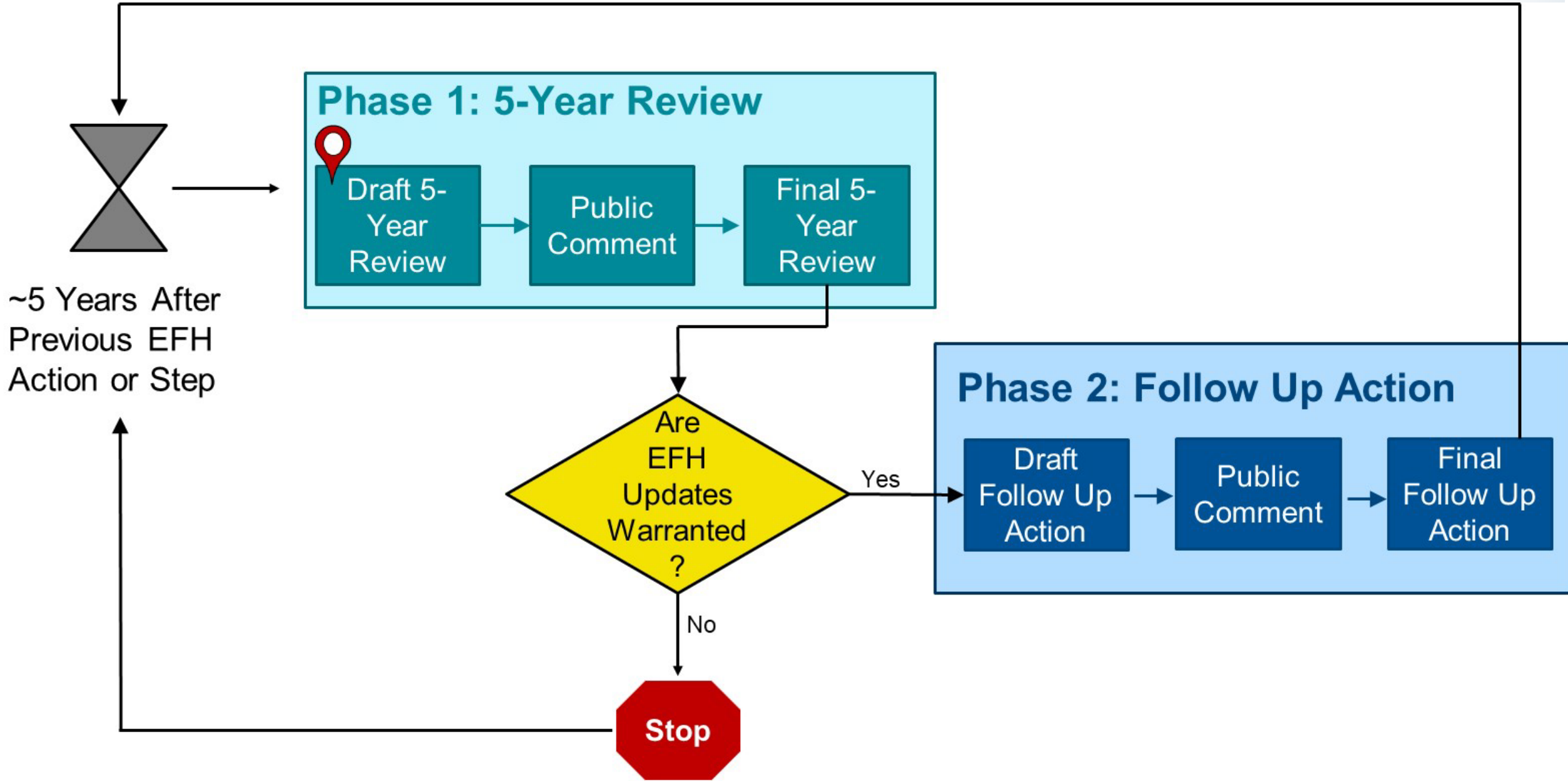
# HMS EFH...How do we update it?

- Iterative 2-phase process
  - Phase 1: 5-year review
  - Phase 2: Follow-up action



**NOAA**  
**FISHERIES**

# HMS EFH...How do we update it?







# Preliminary Results – Are Updates Warranted?

- Literature summary for species-specific literature reviews are provided in tables in Chapters 4-11.
- Component definitions provided in Chapter 1.

EFH Component	1	2	3	4	5	6	7	8	9	10
Author, Year	Describe & ID EFH	MSA Fishing Activity	Non-MSA Fishing Activity	Non-Fishing Activity	Cumul. Impacts	Cons. & Enhance.	Prey	HAPC	Research & Info Needs	Review & Update
Erauskin-Extramiana et al. (2019)*	X					X			X	
Lucena-Frédou et al. (2021)			X						X	
Muhling et al. (2015)	X									

*Cumul. Impacts = cumulative impacts; Cons. & Enhance. = Conservation and Enhancement*

Credit: Shutterstock/ Joe Flynn





Credit: Shutterstock/ Joe Flynn

# Preliminary Results by EFH Component:

## Based on New Scientific Information, Are Updates to EFH Warranted?

**May Be Warranted**

**May Not Be Warranted**

**Uncertain / Requesting Comment**

*Note: This section summarizes HMS' preliminary review and results, which are subject to change after the agency considers public comments.*



**NOAA  
FISHERIES**

# Preliminary Results – Description / Identification of EFH

Component 1	“Describe & ID EFH” (Chapters 4-11)
New Information Found?	<b>Yes, for most species.</b>
Updates Warranted?	<b>May be warranted: 40 of 53 species.</b> <b>May not be warranted: Skipjack and albacore tuna, longbill spearfish, several prohibited sharks.</b>



Credit: National Center for Environmental Information, NOAA



# Preliminary Results – MSA Fishing Activities

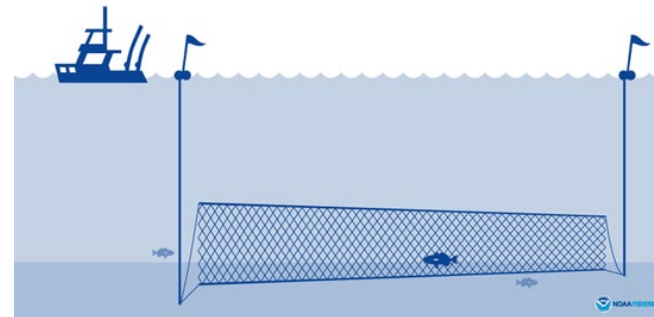
Component 2	“MSA Fishing Activities” (i.e., Federally-managed) (Chapter 12)
New Activities Found?	<b>No: No new fishing activities with new EFH effects identified.</b>
New Information Found?	<b>Yes: Species literature reviews, new info on deep-set longline gear, new observer data.</b>
Updates Warranted?	<b>May be warranted.</b>





# Preliminary Results – Non-MSA Fishing Activities

Component 3	“Non-MSA Fishing Activities” (Chapter 12)
New Activities Found?	<b>No.</b>
New Information Found?	<b>No.</b>
Updates Warranted?	<b>May not be warranted.</b>



# Preliminary Results – Non-Fishing Activity

Component 4	“Non-Fishing Activities” (Chapter 13)
New Activities Found?	<b>No.</b>
New Information Found?	<b>Yes: New scientific literature on many previously analyzed activities was found.</b>
Updates Warranted?	<b>May be warranted.</b>



# Preliminary Results – Cumulative Impacts

Component 5	“Cumul. Impacts” (Chapter 17)
New Activities Found?	<b>No.</b>
New Information Found?	<b>Yes: New information on fishing and non-fishing impacts was found.</b>
Updates Warranted?	<b>May be warranted due to new information, updates to ongoing analyses, and new agency and federal government initiatives.</b>



# Preliminary Results – Conservation & Enhancement

<b>Component 6</b>	<b>“Cons. &amp; Enhance.” (Chapters 12 &amp; 13)</b>
New Activities Found?	<b>No.</b>
New Information Found?	<b>Yes (topic-specific).</b>
Updates Warranted?	<b>May not be warranted: MSA and Non-MSA Fishing.</b>
<i>New actions to promote conservation &amp; enhancement of EFH?</i>	<b>May be warranted: Non-Fishing Impacts - marine sand and minerals mining, renewable energy projects (offshore wind), and aquaculture.</b>





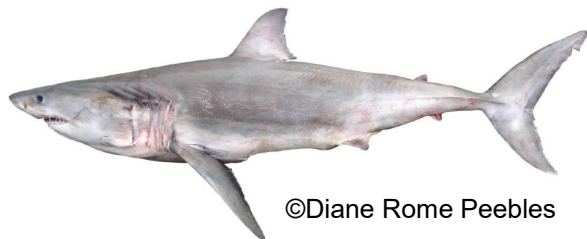
# Preliminary Results – Prey Species

Component 7	“Prey” (Chapter 2, Chapters 4-11)
New Information Found?	<b>Yes.</b>
Updates Warranted?	<b>May be warranted. Information could be reorganized in Phase 2 to include a section in each species profile on the role of prey in HMS EFH.</b>

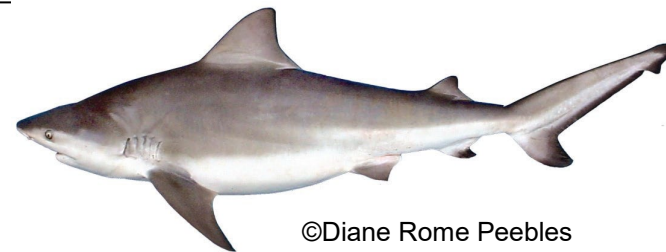


# Preliminary Results – Habitat Areas of Particular Concern (HAPC)

Component 8	“HAPC” (Chapter 14)
New Information Found?	<b>No: Existing HAPCs</b> <b>Yes: White sharks in New York Bight, bull sharks in Indian River Lagoon, and coastal nursery habitat in Texas are considered.</b>
Updates Warranted?	<b>May not be warranted: Existing HAPCs*</b> <b>May be warranted: A HAPC to protect white shark nursery areas in New York Bight.</b>



©Diane Rome Peebles



©Diane Rome Peebles

# Preliminary Results – Research and Information Needs

<b>Component 9</b>	<b>“Research &amp; Info Needs” (Chapter 15)</b>
New Information Found?	<b>Yes.</b>
Updates Warranted?	<b>May be warranted.</b>



[Hyperlink to "Management-Based Research Needs and Priorities"](https://bit.ly/41rQ2uR)

(shortened URL - <https://bit.ly/41rQ2uR>)



# Preliminary Results – Review & Revise EFH (Methodology)

Component 10	“Review & Update” (Chapter 16)
New Methodology?	<b>May not be warranted.</b>
Updates to current methodology?	<b>May be warranted: The previous software is no longer supported, and minor adjustments to existing methodology can reduce bias and better incorporate acoustic and PSAT data.</b>
Updates to EFH text descriptions?	<b>Uncertain. An approach is presented to address data poor species – public comment requested.</b>

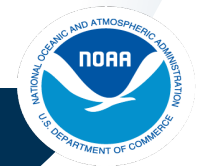


**NOAA**  
**FISHERIES**



# Public Comment is Requested:

- Comments and information pertaining to any of the 10 components of EFH.
- New information or comments regarding:
  - Future analyses to redefine EFH boundaries.
  - Methodologies to delineate HMS EFH.
  - Modifications to existing HAPCs.
  - Identification of new HAPCs.
  - Analyses on adverse effects of fishing and non-fishing activities on HMS EFH.
  - Feedback on the inclusion of new actions to promote conservation and enhancement of HMS EFH affected by non-fishing activities.
- Metadata for datasets that can be used in future analyses.



**NOAA**  
**FISHERIES**

# Submitting Public Comment

- Submit comments by **JULY 3, 2023**:
  - Go to <https://www.regulations.gov>.
  - Enter for “NOAA-NMFS-2022-0036” in the search box.
- Instructions for submitting metadata / datasets:
  - At this time you do not need to submit raw data with your public comment.
  - Please provide a description of any datasets (including information such as timespan, variables, and species) you would like to see included in a future EFH delineation exercise in your public comment to *regulations.gov*.



# Questions?

- Jennifer Cudney – [jennifer.cudney@noaa.gov](mailto:jennifer.cudney@noaa.gov)
- Ann Williamson – [ann.williamson@noaa.gov](mailto:ann.williamson@noaa.gov)
- Erianna Hammond – [erianna.hammond@noaa.gov](mailto:erianna.hammond@noaa.gov)
- Dan Crear – [dan.crear@noaa.gov](mailto:dan.crear@noaa.gov)
- Tiffany Weidner – [tiffany.weidner@noaa.gov](mailto:tiffany.weidner@noaa.gov)
- Delisse Ortiz – [delisse.ortiz@noaa.gov](mailto:delisse.ortiz@noaa.gov)
- Peter Cooper – [peter.cooper@noaa.gov](mailto:peter.cooper@noaa.gov)



**NOAA**  
**FISHERIES**