

# ESSENTIAL FISH HABITAT

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# Magnuson Stevens Act

- Signed into law on April 13, 1976
- The legislation's authors were the late U.S. Senators Warren G. Magnuson of Washington State and Ted Stevens of Alaska
- The act has been amended many times over the years
- The two most recent amendments to the law were the *Sustainable Fishing Act of 1996* and the *Magnuson–Stevens Fishery Conservation and Management Reauthorization Act of 2006*



# Magnuson Stevens Act

- The Magnuson Stevens Act applies to commercial harvest marine species.

Such as:

Salmon

Halibut

Rock Fish



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# 1996 EFH Added to the Act

The 1996 amendment establish a new requirements to identify and describe Essential Fish Habitat (EFH) and to protect, conserve and enhance EFH for the benefit of the fisheries.



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1. Acting to conserve fishery resources
  2. Supporting enforcement of international fishing agreements
  3. Promoting fishing in line with conservation principles
  4. Providing for the implementation of fishery management plans (FMPs) which achieve optimal yield
  5. Establishing Regional Fishery Management Councils to steward fishery resources through the preparation, monitoring, and revising of plans which (A) enable stake holders to participate in the administration of fisheries and (B) consider social and economic needs of states.
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6. Developing underutilized fisheries
7. **Protecting essential fish habitats**



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# Corps Policy and Guidance on EFH

- Magnuson-Stevens Fisheries Conservation and Management Act Amendment of 1996 requires Federal action agencies to consult w/National Marine Fisheries on EFH.
- Implementing Regulations 50 CFR Part 600, effective February 2002.



# Agency responsibility for EFH under the Magnuson-Stevens Act

Section 305(b) of the Magnuson-Stevens Act provide that:

Federal agencies must consult with the Secretary on all actions, or proposed actions, authorized, funded or undertaken by the agency, that may adversely affect EFH.





# Corps Policy and Guidance on EFH Cont'd.

1. As the action agency, we:
  - a. Determine Action Area
  - b. Determine presence of EFH/species through best scientific data available.
  - c. Complete EFH assessment which includes discussion regarding: Habitat Areas of Particular Concern (HAPC's) and effects determination
  - d. Initiate consultation





# Corps Policy and Guidance on EFH Cont'd.

2. As the service agency, NMFS:
  - a. Reviews/comments on our EFH assessment
  - b. Provides concurrence with, or objections to, our effects determination.
  - c. Provides conservation recommendations
3. We accept or reject conservation recommendations and provide NMFS a response.



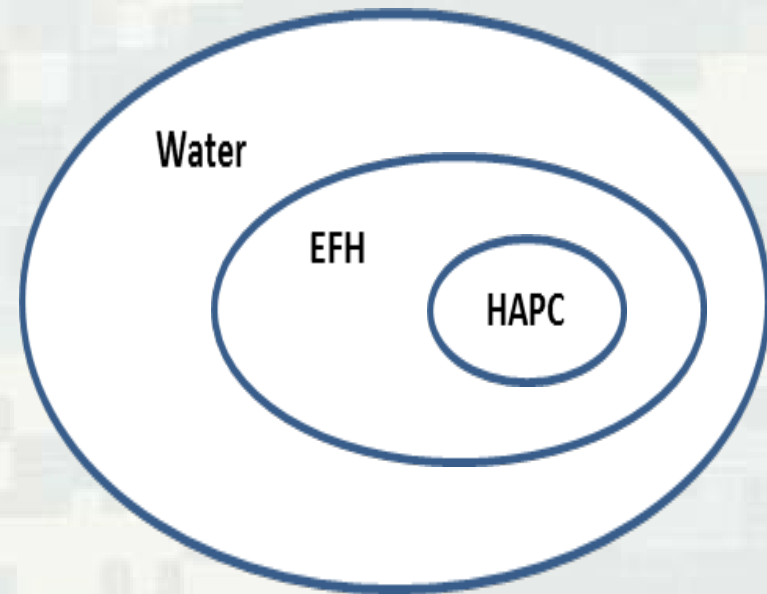
# EFH Guidance and Policy

- What is EFH and HAPC's ?
- What species does EFH apply to in the Central Valley ?
- When do we need to consult on EFH and what happens afterwards ?



# What is EFH

- “EFH” is defined as “those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity”. (16 U.S.C. 1802(10)).
- EFH occur within most of waters of the Central Valley
- Within EFH, HAPC’s can exist that include specific meso and micro habitat features.





# What is EFH Cont'd.

- The Pacific Fishery Management Council or “Council” designated five HAPC’s 1.) complex channels and floodplain habitats; 2.) thermal refugia; 3.) spawning habitat; 4.) estuaries; 5.) marine and estuarine Submerged Aquatic Vegetation (SAV).



# What is EFH Cont'd.

- EFH extent of freshwater is identified as all water bodies currently or historically occupied by council-managed salmon. Except for the consideration of some impassible dams.





# Chinook Salmon Cont'd.

- All four runs of Chinook salmon are covered under EFH that include; Winter, Spring, Fall and Late Fall runs.





# When Do We Need to Consult on EFH

- As previously mentioned, consultation may need to take place if the action agency determines the presence of EFH and/or potential for Chinook salmon to be present.  
[www.habitat.noaa.gov/protect/efh/habitatmapper.html](http://www.habitat.noaa.gov/protect/efh/habitatmapper.html)



# Are there any



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# Questions ?

## (Central Valley Fish Ladder)

