

Essential Fish Habitat Outline

- I. Overview of EFH consultation Requirement
 - A. Source is the MSA
 - B. Requires action agencies to consider impacts on EFH
 - C. Agencies must consult with HC
 - D. Record must include documentation
- II. Trigger
 - A. Agency action
 - B. May adversely affect” EFH
- III. Compliance
 - A. Step 1 - Determine whether action may adversely affect EFH
 - 1. If no, document and move on
 - 2. If yes, initiate EFH consultation
 - B. The Consultation Process and Timing
 - 1. EFH Assessment
 - a. Prepared by action agency
 - b. Contains initial assessment of impacts
 - 2. Iterative process between HC and action agency
 - 3. HC provides “conservation recommendation”
 - 4. Action agency must respond within 30 days
 - C. Document Compliance in the record
- IV. Special Types of Consultations
 - A. General Concurrence
 - 1. Applies to types of actions/categories, that
 - 2. May adversely affect, but
 - 3. Effects minimal in nature
 - B. Programmatic
- V. Adaptation to Fishery Management Process
 - A. Agency EFH Consultation guidance
 - B. PIAO example
 - C. Approach in draft OGs