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**Essential Fish Habitat (EFH) Consultation**

**Summary**

The Magnuson-Stevens Act (MSA) is the primary law dealing with fisheries management in federal waters of the United States. The MSA defines the meaning of Essential Fish Habitat (EFH) and section 305(b) mandates that federal agencies consult with National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) when activities may adversely impact EFH. The MSA provisions are in 50 CFR Part 600. Essential Fish Habitat is defined as “those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity”. In addition to EFH, especially vulnerable and important habitats are designated as Habitat Areas of Particular Concern (HAPCs).

NOAA Fisheries works with regional fisheries councils to determine the extent of EFH for various species based on the best available science. EFH is updated in five year cycles. When federal agencies authorize, permit, fund, or partake in activities that may adversely impact EFH, an EFH Consultation is required. During an EFH Consultation, the action agency must submit an EFH Assessment detailing the proposed action, adverse impacts, and potential mitigation measures. NOAA Fisheries reviews the EFH Assessment and provide guidance and recommendations. These recommendations are non-binding; however, if the action agency does not comply with the recommendations, the action agency must provide a written response to NOAA Fisheries.

**Permit Names**

Essential Fish Habitat Consultation

**Applicability**

An EFH Consultation is required for projects that have been permitted, authorized, funded, or undertaken by a federal agency if actions may adversely impact EFH. Adverse impacts include:

* Waters or substrate
* Species and their habitat
* Other ecosystem components
* Quality and/or quantity of EFH

**General Process and Timelines**

1. Determine if project will impact EFH
	1. Utilize NOAA EFH mapper tool <https://www.fisheries.noaa.gov/resource/map/essential-fish-habitat-mapper>
	2. Utilize resources of state agencies for anadromous fish; example: ADFG Interactive Mapping Tool: <https://www.adfg.alaska.gov/sf/SARR/AWC/index.cfm?ADFG=main.interactive>
2. If project will adversely impact EFH, notify NOAA Fisheries to begin EFH Consultation
3. Submit EFH Assessment to NOAA Fisheries (see google drive for example and guidance worksheet)
	1. This must include the following information:
		1. Proposed action (location, date, extent, etc.)
		2. Potential adverse impacts to EFH
		3. Mitigation measures
	2. NOAA Fisheries encourages EFH Assessments to be combined with other environmental review documents such as those required for NEPA, CWA, or ESA
4. NOAA Fisheries reviews EFH Assessment and provides guidance to action agency (30-60 days)
5. Action agency must respond to NOAA Fisheries within 30 days with information on how it will proceed with project

**Agency Coordination**

NOAA Fisheries consults with regional fisheries councils to determine EFh that is contained in Fisheries Management Plans (FMPs). The regional fisheries council for Alaska is the North Pacific Fishery Management Council.

NOAA Fisheries may also work with other federal, state, and local agencies if a federal permit, funding, or action may adversely impact EFH. NOAA Fisheries also encourages that EFH Assessments be incorporated into other environmental review documents such as NEPA, CWA, or ESA. This also requires coordination among the involved agencies.

**Sources, Links, and Resources:**

Essential Fish Habitat Mapper:

<https://www.fisheries.noaa.gov/resource/map/essential-fish-habitat-mapper>

NOAA Essential Fish Habitat Consultation Page:

<https://www.fisheries.noaa.gov/national/habitat-conservation/consultations-essential-fish-habitat>

Essential Fish Habitat Regional Contacts:

<https://www.fisheries.noaa.gov/contact-directory/regional-essential-fish-habitat-coordinators>

Essential Fish Habitat in Alaska:

<https://www.fisheries.noaa.gov/alaska/habitat-conservation/essential-fish-habitat-efh-alaska>

Also see google drive for:

1. Preparing Essential Fish Habitat Assessments: A Guide for Federal Action Agencies (.pdf)

2. North Pacific Fisheries Management Council HAPC Process Document (.pdf)

3. Map of HPAC in Alaska (.pdf)

4. NOAA National Marine Fisheries Service Essential Fish Habitat Consultation Guidance (.pdf)

5. NOAA Fisheries Greater Atlantic Regional Fisheries Office Essential Fish Habitat (EFH) Assessment & Fish and Wildlife Coordination Act (FWCA) Worksheet

6. Example EFH Assessment from DOT at Kivalina (.pdf)