



New England Fishery Management Council

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Habitat/MPA/Ecosystems Committee

September 7, 2006

Fairhaven, MA

Meeting Summary

- Committee Members:** Mr. David Goethel (Vice Chair), Mr. John Nelson, Mr. Dana Rice, and Mr. Dennis Spitsbergen
- Council Staff:** Ms. Leslie-Ann McGee (PDT Chair) and Mr. Tyler Hautaniemi
- NMFS Staff:** Mr. Lou Chiarella and Dr. David Stevenson
- Others:** Approximately 12 audience members.
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The Committee met on September 7, 2006 to review and approve a range of EFH designations alternatives for Atlantic salmon and deep-sea red crab, review and approve a prey species section and a range of habitat area of particular concern alternatives for the EFH Omnibus Amendment 2. Additionally, the Committee was briefed on the progress towards the non-fishing impacts section and the recent Advisory Panel meeting.

In addition to the items on the proposed agenda, the Committee agreed to have a closed-door session to address Advisory Panel membership at the end of the meeting.

Omnibus Amendment 2 Timeline

Staff, Ms, Leslie-Ann McGee, briefed the Committee on the timeline and upcoming milestones.

Atlantic salmon EFH

Staff/PDT Chair briefed the Committee on the development of a range of EFH designations by the PDT with the help of the NEFSC Salmon Team. Two distinct alternatives (text) were developed which describe EFH by life stage or, conversely, by habitat type. In addition, there are sub-alternatives to describe EFH which include only a coastal component or consider the addition of the oceanic realm since Atlantic salmon are anadromous.

The Committee discussed the information provided in the descriptive table and noted that it will be important for the public to be able to comment on the rivers and habitat that is most important to Atlantic salmon life history. Staff noted that the PDT and Salmon Group developed the range of alternatives based on where salmon had been observed in the past 10 years as described in the US Atlantic Salmon Commission Reports. Staff informed the Committee that if this ten year criteria changed, then the output or EFH designations will change.

Motion 1

Nelson/Rice

Move to add an additional alternative that refine the current alternatives in the document to reflect a focus of EFH for Atlantic salmon on rivers that currently or over the last three years have salmon returns either from natural runs or runs that are a result of stocking.

Passed 4/0/0.

The Committee, staff and audience discussed the inclusion of the oceanic component of the alternatives since there is very little evidence of the migratory pattern of Atlantic salmon once they leave the rivers. Once the smolts enter the ocean, they migrate rapidly out of US waters rapidly towards Greenland (feeding migration). The temperature conditions when enter the ocean is very critical to survivability to stock recruitment and production. There was general concern that one alternative included the entire oceanic component and the other included only the near coastal waters but that public comment on this range was preferred.

Motion 2

Nelson/Rice

Add another option that limits the oceanic component to the 3 mile buffer where designated rivers with salmon enter into the ocean and would result in the following alternatives:

A: no oceanic component (coastal boundary defined by 25ppt salinity zone)

B: three mile buffer for coastal areas with EFH designated rivers

C: entire oceanic component of EEZ south to 41 degrees latitude.

Motion passed 4/0/0

Motion 3

Nelson/Rice

Go forward to the Council with no preferred alternative for Atlantic salmon.

4/0/0

Deep-Sea Red Crab

Staff described the development work of the PDT for deep-sea red crab (DSRC) EFH designations and reminded the Committee of its direction for the PDT to develop and include seamounts as a new spatial realm for specific consideration. The information on DSRC from the continental slope is well documented and the new depth descriptions are defined using Level 2 data. However, in the Gulf of Maine (Shelf realm) and in the Seamount realm, the EFH designations suggested by the PDT are based on Level 1 data (presence/absence).

Audience:

Dr. Kenchington stated that if red crab populations are isolated, then they aren't part of the resource. The EFH for the exploited part of the resource is the continental slope and should only include this area in the EFH designation. Seamounts don't have any exploited resources so can't include them as EFH or HAPC. Most everyone agrees with protecting the seamounts in some way but Dr. Kenchington does not agree that EFH is the mechanism. Mr. Ron Smolowitz was concerned that there is not specific scientific document for seamounts and this information is not included in the 2001 DSRC EFH Source Document. He agrees that using EFH to protect seamounts is not appropriate and that the Council should develop another way to protect these areas. He also believes that the 100% observed range as captured under Alternative 4 is a legitimate alternative to keep in the document. Mr. Taylor was concerned by using red crab EFH as a protective measure for soft corals on the seamounts – should go at the issue directly and not hide behind red crab.

Dr. Stevenson (NERO) noted that the reason there is no info on seamounts in the source document is that it is recent information and the NEFSC was not thinking about seamounts when they wrote the source doc back in 2000. He also stated that it is unreasonable to conclude that there is no scientific evidence because there is.

The Committee discussed that they would like to see the following range of alternatives developed: Alternative 2 more fully developed as the refined Alternative 1 (slope only) for all life stages. Alternative 3 – building on refined Alt 2 with observed seamounts, Alternative 4 – building on Alt 3 with observed seamounts and Gulf of Maine and Alternative 5 would be Alt 4 with all seamounts (100% range). No preferred alternative.

Committee Consensus:

Direct staff to develop five alternatives with a refinement of Alternative 1 with building on each other as described above for presentation to the Council at the September Council meeting.

The Committee discussed the suggestion that the seamounts may be an appropriate area for a Dedicated Habitat Research Area and noted that this is an interesting approach that should be discussed under Phase 2 of the Amendment.

Prey Species

Ms. McGee (staff/PDT Chair) briefed the Committee on the revised prey species document and how it was developed. The Committee discussed the document and noted that the format is good, the content appropriate and ready for public comment.

Audience:

Mr. Brogan asked if there was any discussion of what animals prey on managed species.

Staff responded that this is not part of the EFH final rule requirement to “list the major prey species in the FMU and discuss their location” but that it would be an interesting approach to include in a Fisheries Ecosystem Plan. Additionally, staff noted that since some of the prey species are in fact managed species some of the information on what animals prey on managed species can be found in the document.

Motion 4

Nelson/Rice

Recommend to the Council that the Prey Species Document as written by the PDT be included in the DSEIS for Phase 1 of the EFH Omnibus Amendment.

Passed 4/0/0

Non-Fishing Impacts

Staff briefed the Committee on the history and development of the required non-fishing impacts section which is being led by the Habitat Conservation Division of NERO and Mr. Lou Chiarella (NERO HCD) explained that the EFH Final Rule requires that FMPs dealing with EFH describe impacts to habitat from non-fishing impacts and provide conservation and enhancement recommendations that can be used in EFH consultations to minimize, mitigate or avoid these impacts. Mr. Chiarella offered a synopsis of the document (outline and approach) and noted that their goal is to have the report drafted in September and internally reviewed and then provide it to the Council in October in time for inclusion in the DSEIS which will be approved in November.

Audience:

Mr. Smolowitz stated that one of the biggest threats is endocrine inhibitors and the Council should highlight this in the document and emphasize this impact.

Mr. Chiarella noted that there is a discussion of endocrine inhibitors in the document and that the research and information needs for habitat that the Council will develop as part of Phase 2 is not limited to fish or habitat utilization topics and can include research needed from other anthropogenic sources – this may be a way to elevate the issue.

Habitat Areas of Particular Concern (HAPC) Alternatives

Staff briefed the Committee on the development of the HAPC alternatives. All of the new alternatives were based on the public proposals received by the Council under the RFP held for HAPCs in 2005. Although the PDT was directed to review and modify the proposals to develop management alternatives, none of the alternatives presented to the Committee are “PDT” alternatives as the PDT was not directed to produce ideas for consideration.

Alternative 1 (Status Quo)

The status quo alternative includes the current HAPCs for Atlantic salmon (rivers in Maine) and Atlantic cod (in Closed Area 2 on George’s Bank). Staff noted that there may be an issue with wanting to change on part of status quo alternative without affecting the other. For example, changing the GB cod HAPC but retaining the salmon HAPCs. This is a NEPA question that we need to sort out in the document. The likely solution is to have two Status Quo alternative options: one for Atlantic salmon and one for Atlantic cod. Further, the document does not currently have an alternative that would allow for the elimination of either status quo HAPC and this would need to include this as an option/alternative in the document.

Audience:

Dr. Kenchington stated that an analysis of the deletion of the current HAPC in the DSEIS and should be another alternative and that we need to have another alternative that allows for eliminating the GB cod HAPC. Mr. Smolowitz stated that the Phase 1 HAPC comments will be driven by concerns over Phase 2 topics (restrictive measures).

The Committee, staff and audience also discussed the Council’s ability to modify the boundaries of the HAPC alternatives after receiving public comment. It was understood that the Council will be able to modify the boundaries but not any further than the most restrictive or farthest reaching boundary included in the DSEIS. It should be noted that Phase 1 is the HAPC designation phase and Phase 2 will consider any potential management restrictions.

Motion 5

Nelson/Spitsbergen

To split the status quo alternative (Atlantic salmon HAPC and the GB cod HAPC) and also to create another alternative that allows the Council to eliminate either of the two status quo areas as HAPCs.

Passed 4/0/0

Alternative 7: Outer-Cape/Closed Area 1 Juvenile Cod HAPC

At the request of the PDT Chair, the Committee received a presentation from Mr. Brad Harris (SMAST) on the characteristics of the areas included in this HAPC alternative as based on the SMAST dataset which included a review of substrate composition and distribution of megabenthos.

Staff briefed the Committee on the PDT and AP recommendation to not consider this alternative any further.

Committee Consensus

Direct the PDT to consider the SMAST data on the Alternative 7 and determine if it justifies the current boundaries and if not, to develop an alternative for Committee consideration for a juvenile cod HAPC proposal (one area) in the general area of the Great South Channel.

(Intent: Remove Alternative 7 from the HAPC document for Council consideration and note that an alternative may be forthcoming for the November for Council meeting.)

Alternative 2 – Seamounts

Staff briefed the Committee on the development of the Seamounts HAPC alternative which is based largely on the deep-sea red crab EFH alternatives. It was agreed (as in the case of red crab EFH alternatives) that Mytilus seamount would be eliminated from the Alternative 2B as it does not meet the depth criteria.

Motion 6

Nelson/Rice

Include Alternative 2A and 2B, as modified, in the DSEIS for public comment in the range of HAPC alternatives under the condition that these areas are included as deep-sea red crab EFH.

Motion passed 4/0/0.

The Committee also discussed the possibility that these areas could be considered for Dedicated Habitat Research Areas at the appropriate time.

Audience:

Mr. Brogan maintained that seamounts are included in groundfish management unit and could be used as the vehicle for seamount protection.

Committee Consensus

Committee directs the PDT and the AP to develop DHRA alternatives for the canyon/offshelf areas and seamount areas for the Committee to consider under Phase 2. These are in addition to the Gulf of Maine, George's Bank and Southern New England DHRAs the Committee has asked the PDT and AP to develop.

Alternative 3 – Deep Sea Canyons

Staff presented the deep-sea canyon HAPC alternatives to the Committee for recommendation to the Council for public comment. Although all of the deep-sea canyon HAPC alternatives are housed under one umbrella alternative, each sub-alternative is considered separate from one another (a la carte) and can be selected for implementation individually by the Council.

Motion 7

Nelson/Rice

Move to recommend Alternative 3 (Deep-Sea Canyons) (options 3A to 3M) to the Council for consideration as HAPC provided that EFH is designated for each of the canyons respectively.

Motion passed 4/0/0

Motion 8

Spitsbergen/Rice

In addition to considering alternatives 3A-3M, consider two additional individual options (labeled as 3N and 3O) in Alternative 3 as HAPC for deep-sea canyons.

Alternative 3N will include the area described by the Advisory Panel for a combined area of Oceanographer, Gilbert and Lydonia canyons with the area in between and

Alternative 3O will include the area from Hendricksen canyon southwest to a boundary that will be defined by the AP.

Passed 3/0/1

The PDT Chair will work with the AP to draw the boundaries for Alternative #n and #o for inclusion in the Council document for the September Council meeting.

Alternative 4 – Cashes Ledge Area

Staff briefed the Committee on the Cashes Ledge HAPC alternative. The Committee discussed the justification for the boundaries since some of them are very deep but agreed to send the alternative out for public comment to solicit input.

Audience:

Mr. Williamson noted that the big question is where to draw the boundaries is a question for each one. The boundary was drawn to capture as much of the geological feature as well and the biological diversity that reaches out from the main area.

Motion 9

Nelson/Rice

Recommend that the Cashes Ledge Area alternative be considered by the Council as part of the range of HAPC alternatives.

Passed 4/0/0

Alternative 5 – George’s Bank/Northern Edge Area

Staff briefed the Committee on the development of the George’s Bank/Northern Edge HAPC alternative which includes the current HAPC for cod on George’s Bank (Closed Area 2) in addition to a westward extension.

Audience:

Dr. Kenchington stated this alternative should go forward to the Council with the understanding that there are three defined options for HAPC on GB/Northern Edge: no HAPC, status quo and this alternative being the maximum size. If we are to solve the great divide between the sides on the HAPC issue, a wide range of people need to come to a consensus on even small issues. This area and on the Canadian side are probably the richest scallop grounds on the planet.

Motion 10

Nelson/Spitsbergen

Recommend that Alternative 5 (George’s Bank/Northern Edge HAPC) be forwarded to the Council for consideration in the public hearing document.

Passed 4/0/0

Alternative 6 – Jeffreys Ledge/Stellwagen Bank

Staff briefed the Committee on the development of this alternative and noted the common discussion of the PDT and AP regarding consideration of expanding the alternative to include the entire Stellwagen Bank National Marine Sanctuary as an option for public comment.

Motion 11

Nelson/Rice

To recommend three options under Alternative 6 to the Council for inclusion in the DSEIS:

Option 6A which includes the WGOM Habitat closed Area only

Option 6B which includes the area depicted on p. 44 of the HAPC alternatives document (from PDT)

Option 6C which includes the 6B area in addition to the SBNMS in its entirety.

Motion passed 4/0/0

Audience:

Mr. Williamson this HAPC proposal is timely because the SBNMS will have completed its zoning planning exercise to include in the EFH Omnibus Amendment 2 Phase 2. This is a unique opportunity to create the bridge between the two planning exercises (NEFMC and SBNMS). Mr. Taylor the area in the HAPC includes Tillies and is an hour from the dock and will impact the Gloucester and Boston fishermen.

Alternative 8 – Inshore Gulf of Maine Juvenile Cod HAPC

Staff briefed the Committee on the history of this HAPC alternative and the PDT's efforts to review the information and prepare an appropriate map representation. The PDT offered the Committee two options for mapping the depth interval: the exact depth or the depth contour. The exact depth option eliminates areas within bays that don't meet the depth requirement which leaves interesting gaps in the HAPC designation. Also, the PDT recommended that, based on the MA DMF Technical Report #12, it is appropriate to consider extending the depth band that defines the HAPC to 20 meters for public comment. Lastly, staff noted the APs recommendation that the data be analyzed to see if there is justification for extending the HAPC alternative to the south side of Cape Cod and including the area all the way to Montauk. Staff noted that if this was the case, then the name of the alternative would change to reflect the geographic inclusion.

Committee Consensus:

The Committee agreed to map the Inshore GOM Juvenile Cod HAPC by the appropriate depth contour as opposed to the exact depth option.

Motion 12

Nelson/Rice

Following on previous motion, move to recommend to the Council two alternatives for HAPC alternative: Option 8A which will include mean lowest low water to 10m contour and Option 8B mean lowest low water to 20m contour.

Passed 4/0/0

Committee consensus:

Technical correction for EFH text descriptions to use mean lowest low water for depth description.

Motion 13

Nelson/Rice

Extend the southern and western extent of Alternative 8 (A and B) to include all coastal areas of ME, NH, MA and RI (conditioned on the fact that there is juvenile cod EFH in these areas).

Passed 4/0/0

Audience:

Mr. Smolowitz suggested that it would be prudent to ask the public what is the main threat to each of the HAPC alternatives.

Other Business

Staff noted that the AP passed a motion:

“Habitat AP recommends that the Council takes a position in opposition of the NMFS policy that does not allow research fishing in HAPCs.”

Mr. Chiarella (NERO HCD) stated that there is no such NMFS policy.

Closed Session

The Committee entered into a closed session to discuss Advisory Panel membership.