

**New England Fishery Management Council  
Omnibus Essential Fish Habitat Amendment 2**

**Public Comment Summary  
February 18, 2015**

**For February 24, 2015 Habitat Oversight Committee review  
Note that the comment letters and detailed hearing summaries are  
provided as separate documents**

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## **Introduction**

Between October 10, 2014 and January 8, 2014, the Council accepted written comments on Omnibus Essential Fish Habitat Amendment 2 and its associated Draft Environmental Impact Statement. These comments were submitted to National Marine Fisheries Service Regional Administrator John Bullard, and forwarded to the Council by Greater Atlantic Regional Fisheries Office staff. Between November 24, 2014 and January 7, 2015, the Council held twelve public hearings on Omnibus Essential Fish Habitat Amendment 2. The hearings were moderated by the Habitat Committee chairman and staffed by Council analysts. At each hearing, public testimony was taken on the measures proposed in the amendment.

Overall, the public comments provided both in writing and at the hearings are substantial in their breadth and depth. Comments were received from individuals and organizations throughout this region, and beyond. Many comments are highly detailed and were drafted upon careful review the draft amendment and environmental impact statement.

Organizational comments were provided by federal and state agencies, fishery management groups, conservation organizations, fishing industry organizations, and others. Group comments where multiple individuals with different organizational affiliations signed on to the same comment letter were submitted by scientists, fishermen, and others. Individual comments were submitted by commercial and recreational fishermen, scientists, business owners, and interested members of the general public.

All of the written comments are available for review by the Council and the public. In total, 195 individual, group, or organizational comments were submitted. Additionally, five different petitions and form letters were circulated by various groups and submitted directly by individuals, or by the organizer on their behalf. For petitions and form letters, the text of the letter is reproduced once in the comments document, with a note identifying the number of individuals who submitted that comment (all of the individual letters are available in electronic format upon request). Table 1, provided at the end of this report, lists all of the written comments submitted and provides a comment number for each. These numbers are referred to throughout the report so that the reader knows where to find a more detailed discussion of a particular issue. In the table, comments are identified as individual, organizational, group, or form letters. In order to give a sense for the number of individuals supporting a comment, the number of signatures, vessels represented, or form letters sent is provided in the last column of the table. This accounting system is far from perfect, because many of the organizations listed as a single signature represent numerous individuals. However, it seemed helpful to include these data to provide a better sense of the number of people supporting a particular set of comments.

A separate document details the testimony provided at the public hearings. Based on the attendance sheets, over 532 people attended the hearings, although some individuals attended more than one hearing, and additional people may have attended without signing in. Comments were made by 174 different individuals, with some people commenting at multiple hearings. Many of these individuals submitted written comments as well.

The purpose of this report is to describe the content of the public comments in general terms. The focus is on the written comments, but the oral testimony recorded at the hearings is also

highlighted in some areas. Generally most of the points raised during the hearing are covered in the written comments and vice-versa, although there were many individuals who only participated in one element of the process (hearings or written comments). This report does not constitute a response to the comments; rather, it is intended to serve as a guide for Council members and the public as they review the written comments and hearing summaries. It is organized by topic, identifying issues raised and the specific comment letters where the topic is discussed in greater detail. Given the large amount of material to review, some minor points probably have been missed in this summary, but it should be comprehensive with regard to the main points raised in the letters.

## **Overarching comments**

The comments in these sections are more general in nature and do not relate to particular alternatives. Note that The United States Department of Interior (#183) and Environmental Protection Agency (#184) reviewed the amendment and did not raise any specific concerns.

### ***Council process***

- Council needs a more flexible approach for incorporating habitat considerations into the FMP process (#168). Council should be nimble and adaptive (#168).
- Amendment is overwhelmingly detailed (#167) and it is difficult to discern whether the preferred alternatives or other alternatives add to, subtract from, or eliminate areas relative to no action (#167). Amendment should be clearer about area sizes (#167).
- Council should weigh equally general public comments and comments from the fishing industry (#168). Fishermen are conservationists/good stewards by nature as they require fish to sustain their livelihoods (#27, #44). Council should carefully consider the comments of active fishermen, who are knowledgeable, responsible, and the remaining participants out of a previously larger fleet (#5)
- Council may wish to consider some type of science translation effort to engage the wider public in the amendment process (#168)
- Council should notify fishery participants of proposed management changes, including recreational fishermen, who often find out about management changes after they are already finalized (#145, #186).
- Council should separate the issues of selecting management areas the types of management measures to apply to the areas(#139)
- There should be better coordination between this process, ocean planning efforts, and coastal wastewater mitigation efforts (#168)

### ***General recommendations***

- Near shore areas should be left open for fishing to minimize safety concerns and provide access to fishery resources (#4, #5). Access to historical fishing grounds is important (#5)
- Rolling closures and trip limits are going in the wrong direction; fishermen should be able to fish where and when they choose, which will help facilitate planning for the future (#103)

- Closure of new areas may have few species recovery benefits, given that recovery has not occurred despite major fleet disintegration and accompanying reductions in habitat disturbance (#5)
- Council should be precautionary/risk averse in order to increase ecological resilience and sustain fishing and other ecosystem-dependent uses given poor stock status and changing ocean conditions (#48, #63, #67, #139)
- The most effective closed areas will be sited and managed so as to achieve multiple objectives (#67)
- Closed areas should focus on the most vulnerable stocks, including GOM and GB cod and GB yellowtail (#67, GOM cod discussed in numerous comments)
- Continue to balance livelihoods with ecosystem management, and choose alternatives that focus on the sustained recovery of stocks and do not take risks in opening areas that are critical for supporting stock recovery (#97)
- Protect important commercial species while minimizing economic impacts to the extent possible (#35, #128)
- Council must act to protect public trust resources (#40). Protect marine areas for future generations (#55). Maintain strong habitat protections throughout region (#88). Fish responsibly and sustainably and use all the science available (#99). Protect Stellwagen Bank (#169) and Stellwagen Bank National Marine Sanctuary (#73). The OHA2 process represents the best opportunity available now to comprehensively identify and protect important habitat features to ensure they are available to sustain fish populations and to put fishery interests on the radar of other users of the marine environment (#68).
- Alternatives appear to reflect a time when cod were in better condition (#87); want to see a return to healthy stocks (#87)
- Consider artificial reefs and habitat restoration (#85)
- Closures are the only 100% effective tool available to NMFS (#87), observer monitoring of fishing is less effective (#87)
- Enforcement is critical to ensure compliance with regulations (#49)
- Closures contain large cod (#87) and large spawning fish in general (#158, #177) and the protection of these fish is important. Specifically, there were more old (> 5 yr) cod inside many of the existing closures, and these fish were larger with respect to age, and showed higher growth, stomach fullness, and showed evidence of having a higher trophic position (#166). These life history improvements were less apparent for the WGOM than for CAI, CAII, and Cashes Ledge, and this may be due to continued fishing by the recreational sector within the WGOM closure (#166). Also, cod from inside closed areas have body shapes consistent with sedentary lifestyles, while those from outside closures have more streamlined body shapes. The sedentary cod groups are generally less productive. (#166)
- If closed areas are altered by the amendment, the Council should consider any adjustments as an experiment and commit to supporting research to study the effects of dynamic closed area management on groundfish abundance and ecology (#166)

- Amendment has developed an overly narrow definition of habitat to include the seafloor substrates but not the water column or other marine life (forage fish, sponges, other epibenthic fauna) (#152)
- Council and agency must select alternatives that meet goals and objectives of the amendment, within each sub-region (#139)
- For FEIS, provide justification on how the preferred alternatives meet the goals and objectives in the Amendment (#77).
- Management should strive for high CPUE and maximum efficiency per bottom impact (#136)
- NOAA satellite images indicate 60% of shelf trawled (#40)
- Decreases in habitat protection will allow increased fishing access but could lead to increased fishing mortality overall (#180)
- Sector management creates problems (#180)
- Annual catch limits reduce, but do not eliminate, the need for closed areas to limit fishing mortality (#45). Closed areas act as insurance policies against stock assessment errors (#45, #67). Analyses in this amendment assume that catch limits will be sufficient to prevent overfishing. (#45)
- Council should reject any and all options that remove all habitat management areas (#68)
- The Council should carefully question both the applicability of previous fishing impacts research to Georges Bank and the merits of the commonly employed management structures of closed areas and gear prohibitions to avoid self-validating loops associated with their policy actions (#172)
- The Council should explicitly state the goals of the management system and set a research plan to determine if goals are being achieved (#172)
- Given uncertainties about the distribution and abundance of juvenile fish, closures are high risk because they may create unintended consequences. The Council should mitigate risk by developing ongoing data streams that directly address key questions (#172)
- Make better use of information on the productive capacity of EFH in the stock assessment process (#168). Should not assume that productive capacity will remain static given changing management regimes and environmental baselines (#168).
- NEFSC bottom trawl survey could be augmented to provide ecosystem monitoring information, and NEFSC Ecosystem Assessment Group could convert data into products for use by the Council (#168)
- Focus should be on understanding fish populations, particularly spawning aggregations, first, followed by spatial areas as appropriate. Spawning aggregations should be identified with telemetry and acoustics vs. trawl surveys that are not sufficiently precise. Fishermen should be hired to collect necessary data. (#49)
- Best available science on juvenile and spawning groundfish protections ignored (#63, #177)

- DEIS should but does not address rigorously the percentage of hotspots that need to be protected; involve SSC in this determination (#63, #177)

***Impacts analysis, including practicability***

- Socio-economic analysis is lacking in that it does not consider the benefits of protecting wild places and things (#168), or the economic multiplier effect recreational and commercial fishing have on local communities (#168)
- Analysis does not adequately discuss potential revenue gains from opening existing closed areas (#77)
- Analysis omits consideration of the unintended consequences that result from effort displacement associated with existing or new areas (#69)
- Analysis should consider goals and objectives of this amendment as well as the goals and objectives of the Council's FMPs in general
- Analysis should more fully incorporate results of EFH overlap analysis (#77)
- Should update realized adverse effect metric from SASI model to include more recent years (through 2013) to assist with decision making (#77, #136)
- A behavioral model of fishing would generate more accurate estimates of impacts than the revenue "upper bound" of impacts currently used (#86, supported by #48).
- A relatively low discount rate should be applied when assessing inter-temporal trade-offs (#86, supported by #48).
- The precautionary approach to fishery management suggests that hedging, i.e. diversification, is an important paradigm which is not fully considered in the document (#86, supported by #48).
- Purpose of 1996 SFA amendments is to give conservation of fisheries priority over short-term economic interests (#63)
- There is a mandate for action when fishing activities cause more than minimal impacts to EFH (#63)
- Threshold compelling action to protect EFH is low (#63)
- Term 'practicability standard' is inappropriately used in the DEIS (#63, #177)
- Practicability analysis is not an adequate basis for understanding long-term costs and benefits (#63, #177)
- Analysis does not model responses of fishermen to new habitat protection measures (#63, #177)
- Where uncertainty is high, precaution is warranted (#177)
- Analysis should weigh economic impacts with stock and productivity impacts (#77)
- Practicability does not mean 'anything possible' as an alternative – there should be habitat and economic benefits (D. Frulla, Cape May hearing)

### ***Compliance with applicable law***

- Magnuson-Stevens Act requires plans to achieve optimum yield, and this requires access to fishing grounds and the gear necessary to catch fish (#5, #98). Fishermen should be able to fish efficiently in ways that minimize costs (#98).
- Preferred alternatives do not meet MSA requirements to describe and identify EFH, minimize adverse effects of fishing on EFH to the extent practicable, and update and improve such actions at least every five years. (#63, #177)
- Need additional prey species analysis and related alternatives (see prey/forage section above, #63, #177)
- Many alternatives discussed earlier in the process of amendment development were arbitrarily rejected prior to analysis (#48). As a result, several alternatives analyzed in the DEIS are at odds with the purpose, intent, and requirements of the MSA's EFH provisions, for example the no closure, gear modification, and clam dredge exemption alternatives (#48)
  - “No closure” alternative is not only legally infeasible and therefore inappropriate for the DEIS, but it also has the effect of skewing the starting range of alternatives at such an extreme end of the scale that the breadth of the remaining alternatives is severely narrowed to the point of failing to comply with NEPA mandates (#48).
- GB spawning alternatives (#63) and habitat alternatives generally (#91) do not include an alternative to increase protection from status quo, and thus are not in compliance with NEPA
- NEPA requires agencies to take a hard look at alternatives for managing EFH (#63)
- NEPA regulations augment the habitat regulations with regards to practicability analysis (#63)
- Technical advice was not adequately considered and range of alternatives is inadequate (#177)
- Opening refugia is not a legally defensible way to enhance EFH (#91)
- Some of the comparisons between alternatives are inconsistent, which makes review of the DEIS confusing and limits its usefulness as a decision making tool (#48)
- Grouping of the no action habitat management alternatives in the large-mesh groundfish analysis is inappropriate given the analysis be sub-region in other sections of the DEIS (#48). The large mesh groundfish analysis is biased with regard to its assessment of the role of existing closures in the GOM (#48).

### ***General comments on habitat management alternatives***

Many comments argued for increased conservation via habitat management areas:

- Amendment should improve upon existing habitat protections (#1, #7, #23, #48, #56, #63, #75, #76, #105, #139, #152, #158, #167, #193, A). Protect a greater diversity of habitats (#35, #92), and protect diverse habitats over a greater geographic extent (#1, #63,

#177). Increase the region's overall amount of protected area (#14, #76, #137, #158, A) and improve the diversity of habitats and life history stages represented (#63, #94, #177).

- Arguments to reduce habitat protection are not compelling (#76). General opposition to the no closure alternative (Alternative 2 except for the eastern GOM); this alternative should be removed from the amendment altogether (#48)
- Council should select alternatives that have highly positive conservation impacts (#68). Council should select alternatives that are based on SASI analysis and protect important lifestages of groundfish stocks, particularly cod (#139). Alternatives should enhance the survival and growth of juvenile fish (#94, #167) and encompass more juvenile groundfish hotspots (#63, #177). Alternatives should encompass more high vulnerability clusters identified by the SASI LISA analysis (#63, #177). Better protect juveniles in near-shore waters (#177); Council should analyze the inshore GOM 15nm/90 meter alternative described by the CATT (April 2013) and close the area to gears capable of damaging juvenile habitat or disrupting spawning fish (#177). Support use of best available science to refine closures in areas of hard-bottom substrate (#35).
- Best available science is clear that fish and other animals depend on habitat, and there is a strong and general scientific foundation for protecting animals and their habitat as a strategy for population recovery and resource stability (#48, #63, #177). Long-term closures offer refuge for larger/old fish (#63, #177)
- Locations important to cod feeding, breeding, and growth should be made off-limit to fishing activities (#91)

Other comments questioned the usefulness of closures, suggested other strategies for minimizing impacts to EFH, and noted the costs associated with closures:

- The scientific record does not provide information that proves closures will positive effects on fish stocks, but the economic effects of the current and proposed closed areas are very real (#69). Research does not support the theory that broad-based closures in productive fishery areas of temperate zones support increased productivity (#69).
- Studies have shown that analyses associated with closures overestimate biological benefits and underestimate economic impacts (#69).
- Ecosystem impacts of year round closures of productive fishing grounds are likely to be negative due to displaced effort and lower CPUE (#69, #141, #172). Council should analyze this issue in the EIS (#69).
- Success of scallop fishery depends on rotational management (#128, #141), and area closures can lead to die-offs of scallops (#141).
- The available range of alternatives, except for those that do not designate closures, do not protect against effects that are more than minimal or not temporary, and are not practicable (#69)
- Conclusion that larger closed areas are better is speculative (#140)
- Closing productive fishing grounds on the U.S. side of Georges Bank is the worst way to protect and enhance ecosystem productivity, our main goal (#172)

- While the potential for bottom fishing gears to remove emergent epifauna is well documented, many studies indicate that these potential effects are not universal and depend on local processes (#172)

Other common themes in the comments were gear conflict and shifts in the distribution of fishing effort:

- Reopening existing closures could create gear conflicts for the lobster fishery (#12, #114). Habitat areas should not displace lobster fishermen (#126)
- Concerned that offshore closures could displace larger offshore vessels to inshore fishing grounds under certain conditions (#3)
- Carefully selected, discrete offshore areas are preferable (#5)

Some comments reflected concerns for impacts on a particular segment of the fishing industry:

- Closed areas as a management approach are of concern for day boat vessels in the Gulf of Maine, due to limited ability these vessels to shift to new fishing grounds (#20, #22)
- With key stocks at low levels, protecting EFH while avoiding disproportionate harm to the inshore (traveling less than 50 nm) fleet is important (#111)
- Do not approve any new closures in the NGOM scallop management area (#196).

Many comments expressed a preference for no action. Most of these are noted in the sections listing comments by sub-region, but some commenters expressed this preference more generally:

- Existing areas should remain closed (#7, #23, #124, #167, #180). Do not reopen existing areas that have been closed to bottom trawling (#118). Existing closures should be maintained and protected from all types of fishing (#149)

#### ***Fishing restriction options for habitat management areas***

- Restrict all mobile bottom-tending gears in HMAs (**Option 1**); do not allow for exemptions or gear modifications (#1, #7, #14, #23, #63, #88, #105, #124, #139, #167, #185, D); keep fisheries using other gear types intact (#185)
- Phase out destructive fishing technology such as bottom trawling and dredging and provide funding to develop non-destructive fishing technologies (#56). Fishing methods that generate high levels of bycatch and destroy the bottom should be eliminated (#193)
- Employ more comprehensive fishing restrictions in HMAs (#63, #111, #177). Identify additional areas where all fishing gears are restricted (#63, #177). Protections within management areas should be more comprehensive to include additional gear types beyond mobile bottom-tending gears (#176). Prohibit mid-water trawl gear in HMAs protect prey species (#1, #7, #14, #63, #88, #118, #158, #177, A); and to reduce incidental impacts on groundfish (#180)
- There is insufficient scientific justification for the proposed ban on bottom disturbing fishing gear (#172); scallop dredges have few or no impacts on scallop grounds (#172)

- Opposed to **Option 2** (#48, #67, #136, #139, #177); clam dredges are among the most disruptive gears in the region and blanked exemptions are inappropriate (#139). Specific access areas should be developed instead (#136, #139).
- **Options 3 and 4** (gear modifications) not effective measures for minimizing adverse effects according to information in the DEIS (#48, #77, #139, #152)
- Opposed to **Option 5**, restriction on gears capable of catching groundfish (#114, #147); if Option 5 is selected, should analyze impacts to the herring fishery and related lobster bait market (#92), which would be substantial (#147)
- Concerned about the potential for restrictions on lobster gear within habitat management areas in the future, if lobster traps are identified as a gear capable of catching groundfish (#114, #122, #147, #179, #196); any Council action that contemplates restrictions on lobster traps should be developed in coordination with ASMFC and the states (#92). If the Council decides that lobster gear is capable of catching groundfish, then peer review of research conducted and input by lobster stakeholders should take place.
- Interaction between lobster traps and bottom habitats should be further studied (#111)
- Should be clear on how exempted fisheries would be affected by the alternatives (#125)

***Prey/forage species conservation and management***

- Protect habitats vital for forage species (#7, #14, #23, #42, #63, #88, #94, #105, #132, #138, #152, #177, D) including spawning areas for sea herring (#94), bycatch hotspots for river herring and shad, and hotspots for sandlance within Stellwagen Bank National Marine Sanctuary. These species are important for groundfish and also for seabirds (#14).
- Support river herring catch caps in Framework 3 to the Atlantic Herring FMP (#15)
- Protect prey species via ecologically-appropriate harvest policies (#177)
- Identify major prey species and their habitats in order to determine if conservation measures are required to conserve prey element of EFH (#63, #177)
- Restore menhaden in the Gulf of Maine in collaboration with ASMFC (#63, #177)
- There are prey shortages due to overfishing for these stocks; if pair trawling were stopped there would be an ecosystem benefit (#109)

***Ecosystem based fishery management and climate change***

- Habitat protection should be integrated within and EBFM approach (#94, #167, #177)
- Impacts of climate change are increasingly affecting marine ecosystems in New England (#68, #152, #167, A). Good habitat areas will likely be good habitats in the future, although perhaps for different stocks (#68).
- EBFM would be useful because it would allow management of fish stocks on smaller spatial and temporal scales (#168)
- Seals, dogfish, and cormorants are consuming juvenile fish and their populations should be reduced (#27, #85)

- Ecosystem overfishing combined with climate change is causing a cascade of permanent adverse effects (#76). Management measures should be adopted within an ecosystem framework (#76).
- Habitat protections can help fish cope with changing environmental conditions (#67, #158)
- Cumulative effects of climate change and fishing-induced impacts are substantial (#177)
- Ecological factors are contributing to stock declines. These include the loss of anadromous prey, related to a large number of dams on rivers in the Gulf of Maine watershed without fish passages, and the impacts of increasing freshwater inflows on zooplankton populations in the Gulf of Maine (#24).
- Earlier spring and later fall means that summer becomes increasingly important for the yield of living marine resources. This is true for benthic animals as well (D. Dow, Plymouth hearing)

***Protected resources issues and impacts***

- Reduction in the size or number of current closed areas will increase risk of entanglement-related injury or mortality for protected species including mammals and turtles (#91, #160)
- Support Alternative 1/No Action in all cases, with the exception of eastern Gulf of Maine, where Alternative 2 would be acceptable (#91)
- Amendment should include alternatives to restrict the use of gillnets in areas important for marine mammals, such as the western Gulf of Maine and the Great South Channel (#160). Amendment does not include mitigation measures (#91).
- DEIS does not adequately consider adverse impacts to marine mammals of reopening closed areas (#91). Although it acknowledges potential negative impacts, the DEIS analysis inappropriately minimizes risk to protected species (#91) and the language in the DEIS lacks adequate specificity (#91). Stock-specific information is missing from the DEIS (e.g. key caveats in stock assessments) and analyses should be more explicit in identifying potential effects by species, rather than lumping various PR species together (#91). The DEIS does not discuss the willingness of industry to fish illegally in the closed areas (#91). Cumulative effects analysis is deficient (#91).
- DEIS should not assume uniform spatial or temporal distribution of protected resources (#91). Should review NMFS co-occurrence models (#91). Inappropriate assumptions about direction of impacts given uncertainty about effort shifts (#91). Maps in the DEIS need clearer legends/explanation and should incorporate additional sources of and more recent data (#91). DEIS should acknowledge that trends for large whales are in the direction of more frequent winter usage of the Gulf of Maine (#91)
- Reliance on existing take reduction plans for harbor porpoise and Atlantic large whales is inappropriate and risk prone (#91). Latest ALWTRP does not address gillnet risk nor does it require additional mitigation measures for gillnets (#91). If areas are eliminated, ALWTRP and HPTRP should be amended as they will no longer reflect existing fisheries management (#91, #160). NMFS should also initiate Section 7 consultation under the

ESA (#91, #160). The HPTRP has not met its own long term mandates under MMPA (#91).

- FMP amendments cannot allow increased risk to endangered whales, which are already sustaining entanglement-related mortality and serious injury in excess of their statutorily mandated potential biological removals (#91). Increase in North Atlantic right whale Critical Habitat will affect NEFMC FMPs (#168)

### ***Deep-sea corals***

- Protect deep-sea corals in near-shore waters of eastern Maine (#1, #63, #158, #177, A)
- Protect remaining areas that support deep-sea corals (#94, #118, #167)
- Given the very limited extent of the deep sea coral ecosystems in the Gulf of Maine, put deep sea corals back into this Amendment and protect them (#105, #138).
- Should continue coordination with the MAFMC on deep-sea coral conservation in the HAPCs to ensure consistent and complementary management approaches (#125)

## **Comments on specific alternatives**

### ***Essential Fish Habitat designations***

- Support No Action alternatives, as more areas need to be protected, not less (#76)
- Support preferred alternatives generally (#139, #176, #177).
- DEIS should discuss inshore EFH loss related to eutrophication and climate change (#168)
- Mechanism should be in place to allow the Council to revise EFH and HAPC designations when new information becomes available (#125, gave winter flounder egg designation as an example, see below)
- Revisit the winter flounder egg EFH designation (#36, #25, #77, #106). Evaluation should review designation in the southern part of the species' range, considering geographic extent, influence of siltation on habitat suitability, and economic impacts of associated habitat conservation measures on activities including harbor dredging and beach renourishment (#36, #25, #106). Winter flounder data to support this update provided in comment #25. This information describes in part how flounder abundance varies along the NJ coast. Note that this issue was discussed in detail at the Cape May public hearing.
- Council should consult with Habitat PDT to ensure designations reflect the current understanding of EFH for the affected stocks (#132, #139). Ensure that data used represent the best available science, are the best not stale, and that designations do not arbitrarily ignore newly available information (#139). Consider updating designations for all lifestages of Atlantic sea scallop, all lifestages of winter flounder, juvenile Atlantic cod, and Atlantic herring eggs and larvae (#77).

***Habitat Areas of Particular Concern designations and management***

- Support preferred alternatives generally (#76, #139, #176)
- Support **Atlantic salmon rivers HAPC** given endangered status of GOM DPS (#176)
- Support **Jeffreys Ledge/Stellwagen HAPC** give diverse and highly productive habitats associated with these two features (#176)
- Support **Cashes Ledge HAPC** given unique features of this area including kelp forest, high biodiversity of invertebrates, fishes, mammals, and seabirds (#176). Recommend expanding the HAPC to include the entirety of the Cashes Ledge groundfish closure, which encompasses Fippennies Ledge and Cashes Basin (#176).
- Support **Northern Edge cod HAPC** given presence of structurally complex habitat types that provides key ecological functions for juvenile cod (#139, #176)
- Support **Inshore Juvenile cod HAPC**, given both the ecological function and sensitivity to anthropogenic impacts of inshore areas (#176)
- Support **Great South Channel HAPC**, given high benthic productivity and presence of complex habitat types (#139, #176)
- Support **seamount and canyon HAPCs** (#76, #139, #152, #176); areas contain high habitat- and bio-diversity, including species new to science (#152). One comment noted NAFO's New England Seamounts Closed Area, which currently protects the seamounts beyond the EEZ, and the identification of the New England seamounts as an Ecologically and Biologically Significant Area by the Convention on Biological Diversity (#152). Recommend expanding the list of canyon HAPCs to include Nygren, Munson, Powell, Welker, Dogbody, Nantucket, Block, Ryan, McMaster, Emery, Jones, Babylon, Mey, Lindenkohl, North Heyes, South Wilmington, South Vries, Warr, Phoenix, Accomac, and Leonard canyons (#176).
- Protect HAPCs with specific management measures (#63, #176). Protect three juvenile cod HAPCs from all fishing (#63, #177). Designate coral HAPCs as no-take marine reserves (#168).
- To date, seamount and canyon environments have been protected by their depth, ruggedness, and lack of information about exploitable resources, but these barriers may not last (#152)
- Should continue coordination with the MAFMC on coral conservation in the HAPCs to ensure consistent and complementary management approaches (#125, #176). Consider deep-sea coral HAPCs in the omnibus NEFMC coral amendment rather than in this amendment (#77).
- Add eastern Maine coral areas as an additional HAPC alternative (#63, #177)
- Evaluate the potential for adverse effects from fishing in the proposed HAPCs and avoid, minimize, or compensate for impacts where appropriate (#48, #63, #77, #139, #177)

- Council should consult with Habitat PDT to ensure designations continue to meet HAPC criteria and reflect the current understanding about the rarity, vulnerability, and susceptibility of areas to fishing impacts (#132).

***Habitat management alternatives – comments by sub-region***

***Eastern Gulf of Maine***

- Support **Alternative 1** (#20-22, #38, #53, #54, #92, #111, #113, #114, #119, #124, #126, #133, #134, #143, #149)
  - Concerned that various proposed areas could impact emerging and existing fisheries, e.g. scallop fishery, as well as halibut and quahog fisheries (#20-22, #28, #38, #53, #54, #104, #111, #114, #119, #122, #133, #134, #147, #149, #179, #180). See 2009 and 2012 DMR scallop surveys (#113).
  - Concerned about overlap between Machias area and Grey Zone, such that it would still be fished by Canadian mobile bottom-tending gear fleets (#28, #92, #113, #114, #122, #147, #179, Brewer hearing)
  - There is limited groundfish infrastructure, groundfish permits, and quota access in eastern Maine that could be utilized if groundfish resources recover, which makes any potential future restrictions on the lobster fishery in these areas of even greater concern (#147).
  - Analyses appear to underestimate the impacts of the Eastern Maine Large area on local shrimpers and on federal scallop permit holders. Given that these are small vessels, even smaller amounts of revenue/landings may be significant to them (#147).
  - Analyses appear to underestimate the impacts of the Machias area on quahog fishermen (#147)
  - The Large Eastern Maine area contains very productive lobster grounds; closing the area would adversely affect the Downeast Maine fishermen (#147, Brewer hearing)
- Support **Alternative 2** (#1, #7, #48, #52, #63, #67, #76, #77, #139, #152, #158, #162, #177, A, D)
  - Expand Large Eastern Maine HMA further towards shore to protect Atlantic herring spawning grounds (#63, #177)
  - Supports Option 5 for this alternative (#52, #67). Note that other commenters were critical of the use of Option 5 (see section “Fishing restriction options for habitat management areas”).
- Support **Alternative 3**, excluding Toothaker Ridge and Machias (#113). Support Small Eastern Maine HMA in **Alternative 3**, but not the Toothaker Ridge or Machias areas (#176), based on the results of weighted fish persistence analysis.
- Support **Alternative 3**, excluding Toothaker Ridge area (#11, #43, #135, #136, #140). Toothaker Ridge accounts for approximately 40-50% of landings from local fishermen in Port Clyde, which is the port furthest east with a groundfish fleet (#111).

- General comment: create new habitat management areas in the eastern Gulf of Maine (#105)

*Central Gulf of Maine*

- Support **Alternative 1** (#1, #7, #10, #15, #19, #20-22, #23, #24, #29, #38, #40, #48, #52, #53, #54, #63, #66, #67, #71, #76, #77, #81, #88, #92, #105, #110, #111, #112, #119, #124, #126, #130, #133, #134, #139, #142, #143, #149, #152, #156, #158, #162, #176, #177, #168, #180, #181, #185, #190, #193, A, D, E). These comments are generally specific to no action for Cashes Ledge and tend not to describe a preference for the Jeffreys Bank habitat closure one way or the other, although comment #103 states a preference for the existing Jeffreys Bank area.
  - The unique biodiversity and habitat types of Cashes Ledge should be considered when making decisions (#40, #66, #67, #71, #97, #110, #142, #156, #185)
  - Opening Cashes might lead to short term gains but with long term consequences (#19, #130, #156, #171, #181); catch limits do not eliminate the need for closures (#38). Concerned about the ability of gillnets to target cod and other groundfish on Cashes Ledge under the preferred alternative (#67). Removing Cashes Ledge groundfish closure would compromise ability to achieve goals and objectives (#77). Poor cod stock status argues for maintaining the area (#40). Comments discussed the size of Cashes Ledge as a small fraction of the overall size of the GOM.
  - Continued closure will sustain recovery already underway (#111)
  - Continuing closure will create stability in the regulations (#111)
  - Protect Cashes Ledge from all types of fishing (#57, #149). One comment suggested a marine reserve designation for Cashes Ledge and adjacent Cashes Basin (#15).
  - Assumptions made in the analysis about the nature of habitats in Cashes Basin are inappropriate and uncertainties are not adequately acknowledged. If there is uncertainty in the characterization of habitat types in Cashes Basin, as indicated in the DEIS, precautionary protection of the area is a better management approach (#48)
  - Deep waters west of Cashes Ledge inside the Cashes Ledge groundfish closure area appear to have large numbers of halibut (#180)
  - Support existing Jeffreys Bank habitat area, which seems to have helped flounder stocks (#111). West of the existing area is an important fishing ground and the northern part of the existing area has many lobster traps and tows would be difficult to reestablish (#111).
  - One comment noted the confusion about whether or not Cashes Ledge (the groundfish closure) would be opened or closed under the preferred alternatives, given that the preferred action alternative for habitat protection in the central GOM would remove it, and the no action preferred alternative for spawning protection in the central GOM would keep it (#48)

- DEIS analysis indicates limited positive economic benefits of reopening areas and much higher conservation benefits of keep areas closed, which argues for maintenance of the status quo (#48)
- Support **Alternative 3**, without Platts Bank area (#113)
- Opposed to Platts Bank area (**Alternative 3**) based on impacts to day boat fisheries for scallops and groundfish (#20-22, #28, #33, #38, #53, #54, #92, #104, #113, #114, #119, #126, #133, #134, #179, #180). Platts Bank has been critical to the scallop fishery in recent years (#33, #104, #126).
- Support **Alternative 4** (#11, #43, #98, #135, #136, #140).
  - Support protection for Cashes Ledge generally, but should focus on shoal areas, not larger closure area (#103, #136), and should allow fishing on Fippennies Ledge to harvest valuable scallops there (#104).
  - Concerned that many individuals and groups supporting no action in the larger Cashes Ledge groundfish closure area are relying on information from the shoal areas of the ledge itself including Ammen Rock, and much less so on any benefits associated with the larger closure (#136).
- Support closing Ammen Rock (**Alternatives 3 and 4**) to all fishing (#111, #176)
- Fippennies should be incorporated into the NGOM scallop management area (#104, #196).

#### *Western Gulf of Maine*

- Support **Alternative 1** (#1, #20-22, #38, #48, #52, #53, #54, #63, #67, #76, #77, #92, #104, #111, #113, #114, #119, #121, #124, #126, #133, #134, #139, #143, #152, #158, #162, #176, #177, #168, #180, A, D)
- Concerned about including both habitat and groundfish closures in **Alternative 1** (#11, #135, #136). WGOM was originally a mortality closure, and the groundfish closure only portion east of 70 degrees should be reopened, given 2010 transition to catch share management (#136)
- Some comments supported expanding existing protections:
  - Support **Alternative 3** in addition to **Alternative 1** (#76)
  - Support the Large Bigelow Bight HMA (**Alternatives 3 and 4**) (#168)
  - Extend WGOM further east to include more of Jeffreys Ledge to protect Atlantic herring spawning grounds (#63, #177)
- Opposed to the Bigelow Bight areas (**Alternatives 3-5**) because they would harm the inshore fleet (#20-22, #38, #53, #54, #67, #119, #133, #134, #179)
- Support **Alternative 6** (#11, #43, 58, #98, #128, #135, #136, #140):
  - Allows access to historical fishing grounds and provides relief to the fleet (#11, #98, #128, #135, #140)

- As an alternative to **Alternative 6**, support an alternative that includes the Jeffreys Ledge and Stellwagen Small areas (#135)
- Could consider opening select areas of the WGOM closure where scallops have been found (#104)
- Opposed to **Alternative 6**: concerned with opening the northern edge of the current WGOM closed area around Jeffreys Ledge (#113)
- Support **Alternative 7a** (#176)
- Support **Alternative 8** (#11, #20, #22, #52, #67, #77, #113, #119, #126, #133, #134)

### ***Georges Bank***

- Support **Alternative 1** (#67, #76, #124, #139), although alternative has shortcomings (#67). Areas include abundant mature haddock, and southern part of CAII contains large fraction of GB yellowtail flounder (#67). Closed Area II habitat closure (HAPC) should be maintained to provide protection for juvenile cod (#67) Also see lobster fishery comments.
- Support **Alternative 2**, no closures (#69, #101, #141, #163, #182, #189, #197).
- Support **Alternatives 1, 3, 4, 6a, or 8**, which maintain protections in the areas of the northern edge with dense epifaunal coverage (#45).
- Alternatives **3, 4, 6a, and 6b** are too small to offer substantive benefits for groundfish (#67)
- Support **Alternative 7** (#11, #43, #69, #98, #113, #116, #128, #135, #136, #140, #141). Alternative is only acceptable if clam dredges are exempted (#101, #182). Allows access to scallop grounds and fishing areas along the Hague line (#136) as well as other healthy stocks such as winter flounder (#136). The Georges Shoal HMA in Georges Bank habitat management alternative 7 provides important habitat for juvenile fish (#69)
- Support **Alternative 8** (#1, #63, #67, #105, #139, #152, #158, #162, #176, #177), although alternative has shortcomings (#67). Contains diverse habitat types and areas with far and very far above average fish persistence scores (#176). Will protect Atlantic herring spawning grounds (#63, #67, #177). The only possible alternative to **Alternative 1**, which offers many benefits (#63, #177). However, offers little protection for GB yellowtail (#67).
- Support **Alternative 8** and **Alternative 1** in combination (#168). Develop an alternative to no action that encompasses the northern edge of Georges Bank from the HAPC west through the fingers (#105, #138). Maintaining CAII Habitat Closure (same boundaries as HAPC) alone is not sufficient to improve protection for juvenile cod and other groundfish (#77). Consider existing CAII Habitat Closure combined with parts of **Alternative 8**, or consider **Alternative 6A** (#77). Consider an area that consists of the Georges Bank SASI/LISA clusters and straddles the existing CAII habitat area and Alternative 8 (#139).
- Do not support any alternatives for Georges Bank unless the clam fishery is exempted, i.e. support **Option 2** (#30, #51, #101, #163, #182, #189). See additional points in the “**Error! Reference source not found.**” section.

- Opposed to opening Closed Area II to scalloping unless seasonal restrictions are put in place to prevent gear conflict (#12, #13, #50, #121, #144, #151, #165). The Council should formulate a gear separation agreement (#151). Support access for groundfish fleet given gear agreement (#144). See additional points in the “Additional lobster resource and fishery” section.
- Resolution of mobile/fixed gear conflict issues on the northern edge should allow for reasonable and safe access to the area, coinciding with periods when scallop yields are high and fishing mortality on scallops is therefore minimized (#69). Depth specific gear requirements could mitigate gear conflicts (C. McGuire, Warwick hearing)
- The rationale for Georges Bank habitat management alternative 3 is scientifically inadequate (#69)
- Personal experience fishing around and in the Georges Bank closed areas using EFPs indicates that they do not have higher amounts of fish or larger fish relative to open areas (#140)
- Studies indicate that benthic epifauna inside the CAII habitat closure increased in abundance and biomass following the establishment of CAII in 1994, and diets of demersal species vary inside an outside of the area. These studies and others help make the case for maintaining the existing habitat closure (#45).
- Support some protection for complex habitats but not able to identify a preferred alternative from among those developed (#52)
- Council should consider results of Harris, Stokesbury, and Grabowski May 2014 report “Effects of mobile fishing gear on geological and biological structure: A Georges Bank closed vs. open area comparison.

***Additional lobster resource and fishery comments***

- Roughly 35% of combined GOM/GB stock’ egg bearing lobsters reside in CAII seasonally (#12, #13). Egg loss would probably result from increased interaction between these egg bearing females and mobile gear (#13, #50). High level of connectivity between these stocks is shown in the most recent assessment (#12, #144); increased bycatch could affect the stock as a whole (#13, #144). Georges Bank stock is unique in that it has many large, old lobsters, which would be difficult to replace (#13). Other commenters shared these biological concerns (#114, #121, #151, #165).
- Impacts analysis should focus on the Georges Bank fleet and/or LCMA 3 vs. averaging impacts across the entire lobster fishery (#12, #144)
- DEIS does not fully consider impacts on resource and fishery of reopening CAII to the scallop fishery – trap losses will occur (#12, #50, #144); traps on GB valued at around 4 million (#144, #151)
- CAII is an important fishing ground for the federally permitted offshore lobster fleet (#12, #144, #151); request exclusive access to this area between June 15 and October 31 (#12, #50, #144); mobile gears should not be allowed in the area during summer and fall (#13, #151)

- Within CAII during the fishing season, traps fished in trawls one mile long with 35 traps each. These trawls are spaced at 1-2 microseconds apart, such that gear is very dense in the closed area (#151).
- Spatial shifts in the lobster fishery to the north and west of Closed Area II could increase interactions with marine mammals (#12, #50, #144)
- WGOM closed area is also important for lobster fishery (#114, #121)

***Additional scallop fishery comments***

- DEIS analysis of benefits associated with reopening areas currently closed to the scallop fishery is inadequate (#77).
- General support for facilitating scallop fishery access to the Northern Edge (#69, #117, #125, #141)
- Scallop fishing removes older animals giving room for growth of younger ones, which improves the beds and the fishery overall (#117)
- Limited access scallop fleet access to biomass on the northern edge will relieve pressure on nearshore areas and allow for recovery there (#117)
- Analysis should consider how scallop stocks and scallop management will be adversely affected if major scallop beds are left out of the rotational management scheme (#69). Analysis should consider impacts to economics, management, yield per recruit, and recruitment (#69).
- NGOM scallop area boundary should be reconsidered, and Fippennies should be opened to scalloping (#104, #126). This could alleviate pressure on groundfish (#104). Should consider a rotational management plan for Fippennies, Platts, and Jeffreys Ledge (#126).

***Additional clam fishery comments***

See additional discussion of these issues at the Baltimore public hearing.

- Various clam industry members support **Alternative 2**, no habitat management areas, on Georges Bank and in the Great South Channel (#101, #163, #182, #189). These and other comments support **Option 2**, the clam dredge exemption, generally (#30, #101, #102, #163, #182, #189). The comments cited severe economic impacts associated with various closure options. One commenter felt that this exemption should also be extended to vessels fishing in eastern Maine (#101).
- One comment requested that sub-areas composed predominately of sand substrate be identified as clam management areas within broader habitat closures, and that clam dredges should be exempt from habitat closure restrictions within these sub-areas (#125). This request was supported by comments #30, #69, #101, #163, #182, #189, #197.
- Surfclams are targeted in high-energy sand environments and not in complex habitat types (#9, #30, #51, #101, #163, #182, #189)
- Surfclam and ocean quahog hydraulic dredges operating solely on high energy sandy habitat and mud habitat that are not essential fish habitat for groundfish must be allowed to continue current operations (#101, #163, #182, #189). High energy sand and mud

habitats on Nantucket Shoals, Cultivator Shoals, and Georges Shoals do not provide meaningful habitat for juvenile cod or groundfish (#197).

- Clam fishery has little groundfish or other bycatch and therefore does not conflict with other regional fisheries (#51, #102, #163, #182, #189)
- Overall area swept by clam dredges is low relative to other gear types (#101, #163, #182, #189)
- The clam fishery has been found to have minimal and temporary impacts on essential fish habitat (#163, #182, #189, #197)
- Some surfclams and most ocean quahogs live in complex habitats (#9)
- Clamming in deeper waters has harmful impact (#9)
- Clam dredges have a rock drop behind the carrier which allows dredging in rock areas (#9)
- Clamming conflicts with other fisheries in that the habitat requires recovery time to correct itself (#9)
- Specific to the Georges Shoal fishery, comments noted that substantial NOAA NOS and private industry effort was expended to develop a Paralytic Shellfish Poisoning testing protocol which allows for the operation of Georges Bank clam fishery (#51, 102, #163, #182, #189). This fishery reduces pressure on mid-Atlantic clam stocks because a substantial fraction of clam biomass occurs on Georges Bank (#102, #163, #182, #189).
- Viability of small business would be compromised if any portion of Nantucket Shoals is closed to clam dredging (#102)
- Commenters argued that the closures impacting clam vessels contravene some of the Magnuson Stevens Act National Standards for fishery management plans, including national standards 1, 2, 3, 5, 7, and 8 (#163, #182).

#### ***Great South Channel and Southern New England***

- Support **Alternative 1** (#76, #124)
- Support **Alternative 2** (#31, #69, #101, #163, #182, #189)
- Support **Alternative 3** (#1, #52, #67, #105, #139, #152, #158, #162, #176). Great South Channel East HMA could be extended further east (#63, #177). Expand northeast into the Northeast Channel to protect Atlantic herring spawning grounds (#63, #177). Large numbers of sub-legal cod in the Channel (#67).
- Opposed to **Alternative 3**; northern near shore portion of area is an important fishing ground for nearby small boat fishermen, and closing causes safety concerns for these vessels that would have to shift their operations further offshore (#3). Agreed with these comments for the scallop fishery (#31, #96). Also noted that scallop fishery is limited to near shore waters by the dredge exemption area, and effectively limited to near shore waters by the possession limit (#96). Do not close any areas north of 41° 30' N latitude in this region due to impacts on general category scallop fishery (#123).

- Support some combination of **Alternative 3** and **Alternative 5** (#168) Support a modified version of Alternative 3 that focuses more closely on cobble and boulder habitats (#77)
- Support **Alternative 4** or **Alternative 5** (#141), provided an exemption is provided for clam dredges (#101). Support Alternative 4, but less than Alternative 5, which has the least impacts on the groundfish fishery (#74).
- Support **Alternative 5** (#11, #31, #74, #98, #116, #128, #135, #136, #140), to minimize impacts to the groundfish and scallop fleets, if any closed areas must be implemented in this location (#31, #69).
- Support **Alternative 6** (#52); support **Alternative 6** in addition to Alternative 1 (#76)
- Supports some sort of protections in the Great South Channel but not sure the amendment gets it right (#180)
- Supports **Option 2**, clam dredge exemption (#102, #163, #182, #189)
- Some of the areas in the various Great South Channel HMAs are not productive habitat and do not need to be closed (#31, #163, #182, #189). Closures do not achieve a balance between rebuilding stocks and economic harm to industry (#31, #163, #182, #189)
- Habitat PDT analyses confirmed that **Alternatives 4 and 5** contained equivalent amounts of valuable habitat as four smaller areas originally proposed (#69)
- Opposed to **Alternative 3** because it will cause negative economic impacts (#69). The area does not encompass any juvenile groundfish hotspots (#69).
- Nantucket Shoals is high energy and dynamic with continuously shifting sand (#102, #163, #182, #189)
- Support designation of **Cox Ledge areas 1 and 2** provided areas are managed separately from other areas given local differences in the fisheries and stocks in the area compared to other HMAs (#153, #154). Do not support any gear exclusions from the areas at this time (#153). Do not support blanket exemptions for any user group or gear type (#153, #154). Support modification of areas via framework action (#154) and also support sunset clauses (#153).
- Support designation of **Cox Ledge areas** as mobile bottom-tending gear closures (#176) and suggest coordination with RI SAMP (#176)
- Opposed to any closure of **Cox Ledge** at this time due to its importance for Rhode Island fishermen, particularly in the winter months (#70). Supports further habitat research in area provided that fishermen are not displaced (#70).
- Opposed to **Cox Ledge 1** area; very active bottom due to both routine and storm-related disturbance, which is mostly not towable by mobile gears (#117)
- Support **Cox Ledge 2** area provided lobster access continues (#117)
- Should decouple decisions on **Cox Ledge areas** from Great South Channel/Nantucket Shoals areas (#117), include sunset provisions (#117), and allow for the possibility of gear modification measures (#117)

- Should consider the particulars of the general category scallop vessels when making decisions about the **Cox Ledge** areas, e.g. small number of vessels, vessel size and horsepower, etc. (#117)
- Habitat protections for **Cox Ledge** should be coordinated with NROC and the RI Ocean SAMP. Offshore development in this area could constrain mobile fishing gears and their impacts on EFH. (#45)

### ***Spawning management alternatives***

General comments on spawning alternatives:

- Amendment does not advance protections for spawning fish (#158, A)
- Amendment should further develop/analyze Closed Area Technical Team spawning area proposals (#1, #14, #48, #63, #88, #158, #177, D), and does not consider best-available science (#48)
- Use un-weighted hotspots for all species in further development of spawning area measures (#177)
- Spawning alternatives should include stocks besides groundfish, including Atlantic herring (#42, #63, #177)
- Spawning protections should be addressed in this amendment vs. Northeast Multispecies FMP (#63, #67, #177)
- Spawning protections should be broad in time and space to account for natural variability in spawning behaviors (including differences by age or among spawning groups, #177) as well as climate change-related uncertainties (#63, #177). While protecting the act of spawning is important, spawning closures should be year-round to protect the oldest, most fecund females more generally (#67)
- Close spawning areas to all gears that disrupt spawning activity, including mid-water trawls and gillnets (#63, #177)
- Consider potential benefits associated with maintaining long-term closures (#177)
- DEIS should address links between forage conservation and spawning (#177). Should fully consider the potential impacts of the amendment on herring spawning activities (#125).
- Reopening existing closures could create gear conflicts for the lobster fishery (#12)
- Should be clear on how exempted fisheries would be affected by the alternatives (#125)

### ***Gulf of Maine***

- Support **Alternative 1** (#52, #63, #67, #143, #176, #177, #180)
  - There are currently too many exemptions associated with these areas (#63, #177); midwater trawls and recreational gears capable of catching groundfish should be excluded (#176)

- Changes to year round closures would take away existing spawning areas and essentially redirects spawning fish into new areas where spawning may not occur (#180)
- Opposed to identifying WGOM and Cashes Ledge as spawning areas (#11)
- Opposed to identifying the rolling closures as spawning areas (#113)
- Support **Alternative 3** (#11, #52, #63, #67, #176, #177, #180), given discrete winter cod spawning population in the area (#67, #176)
- Support **Option B**, closure to commercial and recreational gears capable of catching groundfish (#52, #135, #136, #180)
- **Alternative 3** is no longer valid as overlapping protections were implemented in NE Multispecies Framework 53 (#120). Other conflicts exist between FW53 cod protection alternatives and OHA2 alternatives (#113, #120). Supports FW53 areas (#136).
- As noted in the habitat alternatives section above, Council should analyze the inshore GOM 15nm/90 meter alternative described by the CATT (April 2013) and close the area to gears capable of damaging juvenile habitat or disrupting spawning fish (#177)

### *Georges Bank*

- Support **Alternative 1** (#63, #177)
  - Action alternatives take away areas that have helped increased haddock stocks (#67, #180)
  - Changes to year round closures would take away existing spawning areas and essentially redirects spawning fish into new areas where spawning may not occur (#180)
- Support **Alternative 2** (#52, #135, #136), as a closure to all gear capable of catching groundfish, i.e. **Option B** (#52). Supports season ending on April 15 (#136)
- Support **Alternative 3, Option B** (#11)
- Support **Option C**, scallop dredge exemption (#69)
- DEIS should be clearer on which groundfish would be protected under the preferred alternative (#77)
- Should consider spawning protections in Great South Channel. The truly important area to protect in the Great South Channel is the habitats between 29-31 fathoms; could expand protection on either side of this. Hook fishery in this area collapsed about 10 years ago but the area was productive, historically (#87)
- Analysis of spawning times is based on thin and in some cases old data. Recent information from Canada indicates spawning on eastern Georges Bank begins on February 15 (#140)
- The Georges Bank seasonal closure is not a spawning closure and there are no fish spawning in that area in May (#140)

### ***Dedicated Habitat Research Areas***

General comments:

- Support DHRAs generally (#1, #2, #14, #48, #63, #67, #68, #76, #77, #88, #94, #97, #100, #118, #125, #158, #167, #168, #177, A, D). DHRAs could lead to a better understanding of: the link between EFH and yield (#168), and the ecological effects of fishing (#125). Although analytical and empirical research tools to support fisheries management already exist in the region, the establishment of experimental units to serve as reference areas is critical (#2, A).
- Add DHRAs in central GOM and Great South Channel/SNE regions (#63, #168, #177)
- Protect any reference areas from all fishing (#63, #158, #177)
- Research should be conducted whenever possible in locations that displace the fewest number of fishing vessels (#4)

#### ***Stellwagen DHRA (Alternatives 3a, 3b, 3c)***

Many comments submitted on the draft amendment and EIS were about this particular dedicated habitat research area, and a majority of these comments did not address other elements of the DEIS. Two of the form letters (letters B and C) were focused on this topic, and generally cover the same points describing opposition to the DHRA. Letter B was cited often at the public hearings. In total, 340 copies of these form letters were submitted to the Council, in addition to the individual comments. In general, there were very few comments that discussed the Alternative 3c, which would implement the DHRA without the reference area closed to recreational fishing.

- Support **Alternative 1** (#8, #27, #32, #39, #41, #44, #47, #58, #64, #72, #115, #143, #145, #146, #148, #174, #187, #188, #194, #B, #C). Oppose reference area restrictions on recreational fishing (#60, #82, #83, #109, #178, #186).
- Support **Alternative 3a** (#63, #67, #177). **Support 3b**, the preferred alternative (#2, #17, #34, #46, #52, #62, #67, #68, #78, #79, #93, #105, #108, #118, #124, #127, #131, #138, #150, #161, #164, #175, #176, #191, #192, #195). Support **Alternative 3 generally** – option a, b, or c not specified (#16, #59, #76, #152). No preference for 3a vs. 3b (#67).
- Council should weigh potential scientific advances against recreational fishery's anticipated economic hardships (#95)

Comments against the DHRA (mostly comments against the reference area component in particular):

- Assuming principal species of interest is cod, significant ecosystem effects resulting from recreational groundfish removals from the reference area will never be discernable, and therefore reference area will not fulfill its intended purpose (#120). Other comments echoed concerns about tagging studies, cod residency, and functionality of the DHRA (#148, #174, #178, #187)
- Impact of recreational fishery on cod (#18) and fish stocks in general (#39, #143) is minimal.

- Recreational vessels are already unable to fish for cod for five (now six) months, (#32, #61, #174, #188), and have other limitations on cod harvest (#174, #188).
- Cod and other resource protection important, but restrictions on recreational fishing are not needed (#84).
- Climate change is affecting cod populations, not overfishing (#41).
- Recreational fishing does not impact the seabed (#61, #82, #83, #89, #90, #178).
- Catch shares/sectors has allowed large vessels to fish inshore in the Gulf of Maine, which has negatively impacted cod stocks (#27, #44, #58, #61, #146, #148, #174, #188)
- Charter/Party fleet has already been reduced in recent years (#188)
- Studies have already been done (#58, #72), can be done without this designation (#72, #85), and there are no funds available to do studies (#72). Emergency and Framework 53 closures provide an important opportunity to do research without further closures (#143).
- Reference area will force recreational fishermen to travel further to reach fishable areas, which will cause economic hardship and safety concerns (#18, #27, #32, #58, #82, #83, #84, #89, #90, #109, #146, #148, #178, #187, #188, #194).
  - Recreational vessels will need to give the reference area a wide berth to be certain that they avoid fishing within its boundaries and being fined, etc. (#27).
  - Will force fishermen on the south shore of Boston to fish north of the reference area, 40-45 miles offshore, in an area with gillnets and tub trawl gear (#58, #146).
  - Reference area will force vessels out of prime shark fishing grounds (#84)
  - Reference area could force charter operators out of business due to costs of traveling further to fishing grounds, or impact customer retention due to longer steam times (#84, comments added to B)
- Analysis of costs vs. benefits is not realistic/valid (#37, #174); concerns about use of VTRs in analysis (#174); economic impacts on the fishing community and associated businesses are understated (#37, #148, #174, #194)
  - Analysis should consider the crossover between recreational and commercial sectors (i.e. vessels unable to commercially fish may shift to recreational fishing) (#37).
  - Concerns about cost to develop amendment/documents (#90), with little effort expended towards estimating fishing community impacts (#37).
  - Analysis should indicate the number of recreational vessels permitted to fish in the area (#37).
  - Economic influence of recreational fishery is substantial (#18, #32, #39, #44, #58, #72, #82, #83, #84, #148, #178, #188).
- Closure of the DHRA reference area betrays a promise made to area fishermen when the Stellwagen Bank National Marine Sanctuary was designated (#32, #58, #61, #85, #90).

This comment was raised frequently during the hearings as well. Fishing closures are not allowed per the Sanctuaries Act (#85).

Comments in support of the DHRA:

- Option B will leverage existing data and is therefore a good use of resources (#17, #131, #138, #175); proposal is well developed and reasonable (#108)
- Research of this type is sorely needed, and the proposal with reference area should be adopted despite economic impacts (#161, #195)
- Control-impact design considers habitat types, level of use, and proximity to fishing ports, and takes advantage of the existing WGOM closure area, in that it provides an area where habitat recover has already begun (#175)
- There is no similar reference site in the Gulf of Maine (#131, #175)
- The northern reference area is distant enough from area ports to minimally impact recreational fishing, yet is fished sufficiently to function effectively as a control-impact reference site (#175)
- Analysis of VTR data is a valid method for understanding fishing patterns at the spatial scale of the Stellwagen DHRA, and peer-reviewed studies support this assertion (#175)
- Recreational fishery harvests a large fraction of GOM cod allocations (#2)
- DHRA is consistent with SBNMS final management plan objectives (#150, #175). ONMS supports the proposal (#150).
- Fishing north or south of the preferred alternative reference area would add between 1-5 nm each way to reach fishing grounds, depending on the port of departure. These distances translate into increased travel times of between 6 and 38 minutes round trip, assuming travel speeds of 15 kts. (#175)

***Other DHRAs (Alternatives 2, 4, and 5)***

- Support **Alternative 2** (#52, #63, #67, #68, #76, #176, #177)
- Opposed to **Alternative 2** (#113, #176); if implemented, support sunset (#113)
- Support **Alternative 4** (#52, #63, #67, #68, #69, #76, #176, #177)

Comments on the sunset provision (Alternative 5):

- Support **Alternative 5** generally (#52, #69, #77, #113, #176).
- Opposed to **Alternative 5** because timeframe is too short (#67). Five years (or longer) is a more appropriate timeframe (#67, #94, #168, #176)

***Framework and monitoring alternatives***

- Support **Alternative 1** in that commenters are opposed to adding additional EFH-related measures to the list of frameworkable items (#48, #63, #177)
- Support **Alternative 2** (#52, #69)

- Gear restricted areas should be reviewed every 3-5 years. Restrictions could perhaps be lifted or loosened based on a trigger mechanism related to stock status (#52).

## List of comment letters by number and file name

**Table 1 – List of comments.** For the numbered comments, the value in the last column indicates the number of signatures, or the number of vessels represented if vessel information was provided with the letter. For the lettered comments, the value in the last column indicates the number of letters submitted.

Comment #	Filename	Type	Number of signatures, letters, or vessels
1	Askers, Fred et al	Group comment	92
2	Altman, Irit	Individual comment	1
3	Amaru, Jason	Individual comment	1
4	Amaru, Joanne	Individual comment	1
5	Amaru, William	Individual comment	1
6	Ammerman, Ben	Individual comment	1
7	Amory, Daniel	Individual comment	1
8	Anonymous 1	Individual comment	1
9	Anonymous 2	Individual comment	1
10	Ansheles, Carole	Individual comment	1
11	Associated Fisheries of Maine	Organizational comment	32
12	Atlantic Offshore Lobstermen’s Association	Organizational comment	1
13	Atlantic States Marine Fisheries Commission	Organizational comment	1
14	Audubon	Group comment	21
15	Audubon Society of Rhode Island	Organizational comment	1
16	Aughey, Rita	Individual comment	1
17	Avent, Eson	Individual comment	1
18	Berg, Robert	Individual comment	1
19	Beusmans, Jack	Individual comment	1
20	Bichrest, Bryan	Individual comment	1
21	Bichrest, Bryan and Troy	Individual comment	1
22	Bichrest, Troy	Individual comment	1
23	Blesoff, Marc	Individual comment	1
24	Boak, Jack	Individual comment	1
25	Bochenek, Eleanor	Group comment	2
26	Boren, Oskari	Individual comment	1
27	Brander, Doug	Individual comment	1
28	Brawn, Togue	Individual comment	1
29	Brown, Rosamond	Individual comment	1
30	BumbleBee Foods	Organizational comment	1
31	Bunnell, Matt	Individual comment	1
32	Burke, Michael	Individual comment	1
33	Butler, Tom	Individual comment	1
34	Cannata, Jaimi	Individual comment	1
35	Cape Cod Commerical Fishermen’s Alliance	Organizational comment	150
36	Cape May (NJ) Conference of Mayors	Organizational comment	1
37	Carroll, Michael	Individual comment	1
38	Casamassa, Tom	Individual comment	1
39	Cervolo, Patrick	Individual comment	1
40	Chase, Gib	Individual comment	1

*Omnibus EFH Amendment 2 – Summary of public comments on the Draft EIS*

<b>Comment #</b>	<b>Filename</b>	<b>Type</b>	<b>Number of signatures, letters, or vessels</b>
41	Chiapperini, Daniel	Individual comment	1
42	CHOIR Coalition	Organizational comment	1
43	City of Gloucester Fisheries Commission	Organizational comment	1
44	Colleary, Michael	Individual comment	1
45	Collie, Jeremy	Individual comment	1
46	Colorado Ocean Coalition	Organizational comment	1
47	Commonwealth of Massachusetts Senators Reps	Group comment	38
48	Conservation Law Foundation	Organizational comment	1
49	Cooper, Charles	Individual comment	1
50	Cote, Arthur	Individual comment	1
51	Couture, Darcie	Individual comment	1
52	Cunningham, Rip	Individual comment	1
53	Cushman, Gerry	Individual comment	1
54	Cushman, Randy	Individual comment	1
55	Czerepica, Theresa	Individual comment	1
56	Dalton, Chris	Individual comment	1
57	Davey, Regina	Individual comment	1
58	DePersia, Tom	Individual comment	1
59	Devereaux, Cyndi	Individual comment	1
60	Diamond, Mike	Individual comment	1
61	Diggins, Paul	Individual comment	1
62	Distel, Dan	Individual comment	1
63	EarthJustice	Organizational comment	1
64	Eisenhauer, Larry	Individual comment	1
66	Environment Maine	Organizational comment	1
67	Environmental Defense Fund	Organizational comment	1
68	Farady, Susan	Individual comment	1
69	Fisheries Survival Fund	Organizational comment	250+
70	Fox, Donald	Individual comment	1
71	Friends of Casco Bay	Organizational comment	1
72	Gainor, Louis	Individual comment	1
73	Gianchandari, Angelica	Individual comment	1
74	Gilbert, Joseph	Individual comment	1
75	Goldberg, Mark	Individual comment	1
76	Great Egg Harbor Watershed Asso.	Organizational comment	1
77	Greater Atlantic Regional Fisheries Office	Organizational comment	1
78	GreenPeace	Organizational comment	1
79	Guitart, Sarah	Individual comment	1
80	Hall, Shane	Individual comment	1
81	Hall, Susan	Individual comment	1
82	Hamilton, John	Individual comment	1
83	Hamilton, Paul	Individual comment	1
84	Hartshorn, Timothy	Individual comment	1
85	Haufler, R Christian	Individual comment	1
86	Herrera, Guillermo	Individual comment	1
87	Hesse, Eric	Individual comment	1
88	Hidreth, Daniel	Individual comment	1
89	Holt, Claude	Individual comment	1
90	Holt, Debora	Individual comment	1

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<b>Comment #</b>	<b>Filename</b>	<b>Type</b>	<b>Number of signatures, letters, or vessels</b>
91	Humane Society of the US et al	Group comment	4
92	Island Institute	Organizational comment	1
93	Jay Jeff	Individual comment	1
94	Kaufman, Les et al	Group comment	147
95	Keating, William	Individual comment	1
96	Keese, Bob	Individual comment	1
97	King, Angus	Individual comment	1
98	Kirk, Carolyn	Individual comment	1
99	Klem, Susan	Individual comment	1
100	Kruse, Lindsey	Individual comment	1
101	LaVecchia, Daniel	Individual comment	1
102	Lagace, Louis	Individual comment	1
103	Libby, Gary	Individual comment	1
104	Libby, Glen	Individual comment	1
105	Lish, Chris	Individual comment	1
106	Lunds Fisheries et al	Group comment	4
107	MacDonald, Catherine	Individual comment	1
108	MacDonald, Rob	Individual comment	1
109	MacGregor, Todd	Individual comment	1
110	Maine Audubon	Organizational comment	1
111	Maine Coast Fishermen’s Association	Organizational comment	1
112	Maine Conservation Voters	Organizational comment	1
113	Maine Department of Natural Resources	Organizational comment	1
114	Maine Lobstermen’s Association	Organizational comment	1
115	Malhowski, David	Individual comment	1
116	Manley, Thomas	Individual comment	1
117	Marchetti, Michael	Individual comment	1
118	Marine Conservation Institute	Organizational comment	1
119	Martel, Dale	Individual comment	1
120	Massachusetts Division of Marine Fisheries	Organizational comment	1
121	Massachusetts Lobstermen’s Association	Organizational comment	1,700
122	McDonald, Genevieve Kurilec	Individual comment	1
123	Merl, Chris	Individual comment	1
124	Miciukiewicz, Michael	Individual comment	1
125	Mid Atlantic Fishery Management Council	Organizational comment	1
126	Miller, Ira	Individual comment	1
127	Miller, Laura	Individual comment	1
128	Mitchell, Jon	Individual comment	1
129	Murphy, Bob	Individual comment	1
130	Myers, Mckenzie	Individual comment	1
131	National Marine Sanctuary Foundation	Organizational comment	1
132	Natural Resources Defense Council	Organizational comment	1
133	Neiuwkerk, Knoep	Individual comment	1
134	Nickerson, Joe	Individual comment	1
135	Northeast Multispecies Sector 14	Organizational comment	1
136	Northeast Seafood Coalition	Organizational comment	250+
137	Nawoichik, Barry	Individual comment	1
138	Ocean River Institute	Group comment	2,251
139	Oceana	Organizational comment	1

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<b>Comment #</b>	<b>Filename</b>	<b>Type</b>	<b>Number of signatures, letters, or vessels</b>
140	Odlin, James	Individual comment	1
141	O'Donnell, Paul	Individual comment	1
142	O'Hare, John	Individual comment	1
143	Orrell, Thomas	Individual comment	1
144	Palombo, William	Individual comment	1
145	Papa, Joseph	Individual comment	1
146	Pateras, Dennis	Individual comment	1
147	Penobscot East Resource Center	Organizational comment	1
148	Pierdinock, Mike	Individual comment	1
149	Pinkham, Kelo	Individual comment	1
150	Powers, Kevin	Individual comment	1
151	Raymond, Charles	Individual comment	1
152	Rebbapragada, Narasu	Individual comment	1
153	RI and SNE commercial fishing associations	Group comment	160
154	RI Party and Charter Boat Association	Organizational comment	61
156	Rothney-Kozlak, Lynne	Individual comment	1
157	Rudnick, Steven	Individual comment	1
158	Safina Center	Organizational comment	1
159	Santini, Peter	Individual comment	1
160	Brown, Sara et al	Group comment	19
161	Schenk Richard	Individual comment	1
162	Seacoast Science Center	Organizational comment	1
163	SeaWatch International	Organizational comment	1
164	Sender, Jane	Individual comment	1
165	Shafmaster, Jonathon	Individual comment	1
166	Sherwood, Graham	Individual comment	1
167	Sierra Club	Organizational comment	1
168	Sierra Club Massachusetts Chapter	Organizational comment	1
169	Smith, David	Individual comment	1
170	Smith, Lyna	Individual comment	1
171	Smith, Peter	Individual comment	1
172	Smolowitz, Ron	Individual comment	1
173	Stark, Joana L	Individual comment	1
174	Stellwagen Bank Charter Boat Association	Organizational comment	1
175	Stellwagen Bank National Marine Sanctuary	Organizational comment	1
176	The Nature Conservancy	Organizational comment	1
177	The Pew Charitable Trusts	Organizational comment	1
178	Hamilton, Thomas	Individual comment	1
179	Todd, Alex	Individual comment	1
180	Tower, Tim	Individual comment	1
181	Travers David and holly	Individual comment	2
182	Truex Enterprises	Organizational comment	30
183	US Department of Interior	Organizational comment	1
184	US Environmental Protection Agency	Organizational comment	1
185	Valenick, Sara	Individual comment	1
186	Venticinque, Dean	Individual comment	1
187	Wade, Charlie	Individual comment	1
188	Waldrip, David	Individual comment	1
189	Wallace, David	Organizational comment	1

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<b>Comment #</b>	<b>Filename</b>	<b>Type</b>	<b>Number of signatures, letters, or vessels</b>
190	Waller, Susan	Individual comment	1
191	Weiser, Ben	Individual comment	1
192	Welch, Thomas	Individual comment	1
193	Werner, William	Individual comment	1
194	White, Brad	Individual comment	1
195	Wilson, Judy	Individual comment	1
196	Wotton, Jim	Individual comment	1
197	Yannis Karavia LLC	Organizational comment	1
A	Pew-Earthjustice letter	Form letter	149,920
B	Recreational letter	Form letter	318
C	Stellwagen Bank Charter Boat Association letter (12)	Form letter	12
D	Conservation Law Foundation letter	Form letter	2,233
E	Conservation Law Foundation Cashes Ledge letter	Form letter	411