



## New England Fishery Management Council

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# MEETING SUMMARY

## Joint Habitat Advisory Panel and Committee

Webinar

August 20, 2026

9:00 a.m. – 3:30 p.m.

The Habitat Committee and Advisory Panel met jointly via webinar at 9:00 a.m. to (1) receive an update on ocean planning topics, (2) review the draft 2026 Essential Fish Habitat (EFH) Framework, including EFH designation alternatives, and identify a preferred alternative for Council consideration at the September 15-17 meeting, (3) review a draft PDT report on the clam dredge exemption program within the Great South Channel Habitat Management Area, and (4) discuss other business, as necessary.

**MEETING ATTENDANCE:** Committee: Melissa Smith (Chair), Geoff Smith (Vice Chair), Togue Brawn, Doug Christel (GARFO), Maureen Davidson (MAFMC), Matt Gates, Joseph Grist (MAFMC), Eric Hansen, Jackie Odell, Scott Olszewski, and Kevin Sullivan; Advisory Panel: Chris McGuire (Chair), Todd Bragdon, Gib Brogan, James Buchok, Tom Dignes, Lane Johnston, Drew Minkiewicz, Alice Stratton, David Wallace; Other Council Members: Dan Salerno (Chair) and Melanie Griffin (Vice-Chair); NEFMC Staff: Michelle Bachman (Plan Development Team [PDT] Chair), Emily Bodell, Jennifer Couture, Julian Garrison, and Cate O'Keefe; NMFS GARFO Staff: Sharon Benjamin, Gabby Feil, Thomas Heimann, Sabrina Pereira, Doug Potts, and Sue Tuxbury; NOAA General Counsel: Mitch MacDonald and Scott Sakowski. In addition, about 15 other people attended.

### KEY OUTCOMES

- Ocean Planning: The Advisory Panel and Committee gained awareness of the broad range of topics currently being tracked as part of the Council's ocean planning work and encouraged staff to continue to pay close attention to significant emerging issues such as offshore nuclear energy.
- 2026 EFH Framework: Both the Advisory Panel and Committee recommended that the Council adopt the updated (i.e., action alternative) EFH designations during final action on the 2026 EFH Framework in September. In response to specific staff questions about the Atlantic wolffish and winter flounder EFH designation maps, the groups recommended adopting maps developed using data processing methods consistent with other species vs. relying on ad hoc or individualized approaches. The groups also recommended ways to improve and clarify the framework document and appendices.
- Surfclam Exemption Report: The Advisory Panel and Committee suggested improvements to the Great South Channel Surfclam Exemption Program Review Report, emphasizing evaluation of the program against the objectives implied by the problem statement, purpose, and need for the Clam Dredge Framework, which was approved by the Council in 2018.
- Other Business: The Advisory Panel recommended expressly including the Closed Area II Habitat Closure Area and the Northern Edge Juvenile Cod Habitat Area of Particular Concern (HAPC) during the Council's evaluation of adverse effects minimizations measures. This

evaluation has not been scheduled yet but was envisioned as occurring around ten years after implementation of Omnibus EFH Amendment 2 (OHA2, i.e., around 2028) and is highlighted as a recommendation under Component 6 of the 2025 EFH Review. The Committee recommended a broader review to include all HAPCs, not just the Northern Edge HAPC.

The day opened with a round of introductions, since Advisory Panel members new as of January 2026 were attending their first in-person meeting. There was one minor change to the agenda to allow Mr. Allen Rencurrel to give a public comment on surfclam harvester information immediately following the EFH agenda item, as he could not attend the afternoon agenda items. The comment informed the Surfclam Exemption Program Review discussion. Generally, the Advisory Panel and Committee discussed agenda topics jointly, facilitated by the Committee Chair, but passed separate, albeit similar, consensus statements and motions consecutively (i.e., AP followed by Committee) unless otherwise specified.

#### ***AGENDA ITEM #1: OCEAN PLANNING UPDATE***

Council staff provided an update on recent ocean planning activities, including aquaculture, specifically the Newport Mussels project, offshore wind lease rescission/cancellation, offshore wind regional fund administrator updates including a planned Council presentation, deep-sea mineral mining, possible use of submerged lands and existing offshore facilities for space launch/recovery activities, possible development of offshore nuclear energy facilities, and marine carbon dioxide removal. Many of these activities fall under the jurisdiction of the Bureau of Ocean Energy Management (BOEM, now called the Marine Minerals Administration). The Council has submitted comments in recent months on both offshore mineral mining and space launch/recovery topics; of note is there is specific commercial interest in mineral mining on the Northeast U.S. shelf.

#### ***Committee / Advisory Panel Discussion***

Council staff and GARFO staff clarified that Newport Mussels project developers and the US Army Corps of Engineers (USACE, permitting agency) are working with NOAA's National Center for Coastal and Ocean Sciences (NCCOS) on siting adjustments in response to public comments. A Committee member asked about the possibility of holding public hearings; their understanding was that states were able to request them. GARFO staff thought that the availability of public hearings, if any, would be for USACE to determine.

A Committee member asked that staff keep a close eye on the potential for offshore nuclear energy development; since the coastal Northeast is a major population center, it would likely be a possible location for new energy facilities.

An Advisor asked about the process used to identify sand mining sites and if it would be similar to offshore wind. Staff noted that many of the offshore wind lease area identification steps were taken at BOEM's discretion, and the mineral mining siting process may be more streamlined with shorter public comment opportunities.

Generally, the groups were uncertain about how likely some of these activities are to occur, for example, space launch and recovery. It is difficult to know whether these activities will be permitted and on what timeframe. Given a specific company is interested in mineral mining, there could be a push for leasing areas for this purpose.

There was some discussion of what will happen to the rescinded offshore wind leases. Companies have publicly acknowledged agreements with the federal government to not develop their current offshore wind leases and to invest in other activities such as oil and gas, but BOEM/MMA has not yet formally acted to officially remove these leases. As far as NOAA staff are aware, agreements such as community outreach plans in the Gulf of Maine are still being adhered to, and the development timeline (number of years to develop site assessment or construction and operations plans) has not changed for these leases.

Council staff were not aware of any specific offshore nuclear facility designs being considered.

Public Comment

- There were no public comments on this agenda item

***AGENDA ITEM #2: 2026 ESSENTIAL FISH HABITAT DESIGNATION FRAMEWORK***

Council staff provided an update on the 2026 EFH Framework, emphasizing consistency of methods across councils, actions, and species. The presentation included a review of feedback received throughout the summer from species Plan Development Teams (PDTs), Advisory Panels (APs), and other scientific and industry experts, such as stock assessment staff. Staff then reviewed all EFH maps and text prepared to date. Staff asked the Committee and Advisory Panel to consider the Atlantic wolffish, Atlantic halibut, and winter flounder maps specifically and offer guidance on selection of preferred maps.

Committee / Advisory Panel Discussion

The Committee and Advisory Panel asked several questions clarifying the EFH methods and presentation of the draft maps and text. One Committee member clarified that, given an imperfect understanding of species habitat use from available data, the current approach is to designate EFH in areas that are predicted to be potentially suitable habitat. They noted that both the current and updated designations are rather broad, whereas they envisioned “essential” fish habitat as more of a hotspot. Council staff explained that the approach leans more conservative and broader to account for uncertainties in the data (e.g., some life stages are not well-sampled) and in recognition that EFH is a single, static map for each life stage (seasonal differences not depicted). Staff also noted that, originally, they had planned to follow the North Pacific Council’s approach that uses the 95% density quantile as the basis for the EFH maps, but there had been similar concerns raised during the development of the NEFMC 2025 EFH Framework. Consequently, the Habitat PDT recommended using the 75% quantile for the EFH updates to avoid designations being too broad, and this was agreed to by the Council when they approved the 2025 action. An AP member encouraged staff to sufficiently document this switch and its rationale in the framework.

Several AP members clarified whether certain maps would be updated to show the single footprint (rather than quantiles) and extend only to the U.S. Exclusive Economic Zone (EEZ). Staff responded yes, EFH is a single footprint and designated in the U.S. EEZ only. Any maps showing quantiles are serving as placeholders while incorporating feedback and all maps in the framework will be updated before the September Council meeting. Committee members clarified whether the models included commercial catch data and emphasized the importance of such data for groundtruthing the models. Staff explained that commercial catch data were not planned for inclusion in this round of EFH updates largely due to technical and statistical challenges of integrating fisheries-dependent and fisheries-independent data. However, staff have visually compared draft EFH maps to catch maps for some species and acknowledged the utility of incorporating commercial data into models for future EFH reviews. Committee members suggested listing key fishing areas in the framework and text descriptions for context. Finally, one AP member clarified the EFH level of information on which the updated designations are reliant, per the EFH regulations. Staff responded that these updates largely rely on Level 2 EFH Information (“Habitat-related densities of species”), with Level 1 information (“Distribution data”) being used selectively, for example to determine the maximum depth of EFH along the continental slope beyond the footprint of fisheries independent surveys.

The Committee and AP reviewed updated maps for Atlantic halibut. The group reiterated the importance and utility of commercial catch data, particularly for species and/or life stages that are not well-represented in fisheries independent surveys. Staff agreed and noted fishery-independent trawl and longline data for halibut are limited, which exacerbates the statistical challenges of integrating these two survey types since the models are abundance-based (rather than presence-absence). Staff also noted that there are more Canadian data available, and that the presence-absence halibut model that Dr. Katherine

Gallagher has developed for the updated Climate Vulnerability Assessment will likely include additional data sources. One Committee member suggested looking at at-sea monitoring (ASM) data for halibut and noted that fishery occurs in inshore areas. Another Committee member noted that the model quantile hotspots generally align with their expectations. The AP Chair emphasized that, while there is a general desire for consistency in methods across species, scientists and managers should be mindful of necessary exceptions and recognize that some species will require a different approach given data limitations or species-specific nuances to habitat use. Halibut is a good example where the stock assessments omit trawl survey data entirely as they do not provide a full representation of halibut catch.

AP and Committee members discussed the merits of using the No-Action versus updated latitudinal range for juvenile and adult winter flounder. The joint discussion resulted in the following consensus statements from the AP and Committee on the EFH maps for juvenile and adult winter flounder to be consistent in methods with other species, take a data-driven approach, and consider trends in survey catches:

**1. CONSENSUS STATEMENT (ADVISORY PANEL):**

On behalf of the Advisory Panel, adopt the updated EFH map for juvenile and adult winter flounder that incorporates best available science and extends to Delaware Bay.

**APPROVED BY CONSENSUS OF THE ADVISORY PANEL.**

**2. CONSENSUS STATEMENT (COMMITTEE):**

On behalf of the Committee, adopt the updated EFH map for juvenile and adult winter flounder that incorporates best available science and extends to Delaware Bay.

**APPROVED BY CONSENSUS OF THE COMMITTEE WITH ONE ABSTENTION.**

**Joint AP and Committee Discussion on the Consensus Statements:**

Staff noted that during OHA2, the Council had opted to use a latitudinal cutoff for the EFH designation at Absecon Inlet, NJ to avoid time-area closures for seasonal harbor dredging projects that would disturb demersal winter flounder eggs. This was consistent with lower catch rates observed off southern vs. northern New Jersey but represented an ad hoc adjustment relative to standard data processing approaches of designating a ten-minute square as EFH when at least 10% of survey tows captured the species and life stage. The updated EFH analysis (model outputs and inshore occurrence data) suggests that winter flounder juveniles and adults occur as far south as and into Delaware Bay, even if the species is more abundant along the northern NJ coast. Committee and AP members were somewhat mixed on whether to limit the designation again or use the updated map; several Committee members noted that the species is generally thought to be moving northward, and one member wondered whether there have been any studies on distribution shifts or population mixing between northern and southern individuals. Other Committee and AP members were inclined to rely on the data and model outputs, particularly in the interest of methods consistency, and leaned towards broader EFH designations when data are uncertain as a conservative, risk-averse approach.

The AP Chair echoed these thoughts on consistency but also reiterated his earlier point about recognizing when circumstances suggest a more nuanced approach. He suggested considering trends in survey catches. One Committee member expressed concern about the utility of designating EFH where there is low abundance. Council staff noted that the EFH maps generally serve as a hook-in to trigger GARFO EFH consultations, and consultation staff have the flexibility to dig further and consider more detailed information when providing conservation recommendations. One AP member added that action agencies and developers have a responsibility to consult with NOAA on projects that may adversely impact EFH in federal waters and/or receive federal funds, but not necessarily a responsibility to adhere to conservation

recommendations. The AP member argued that the Council should designate EFH for its intended purpose and allow seasonal dredging concerns to be addressed during the consultation process.

AP and Committee members suggested including a “Considered but Rejected” section as well as a comparison of model outputs and final maps to highlight any manual map adjustments. Staff will include this new section with the section on feedback and engagement from Appendix E and move it into the main framework document. Staff also noted that final, adjusted maps will be available on the EFH R Shiny Demo App ahead of the September Council meeting.

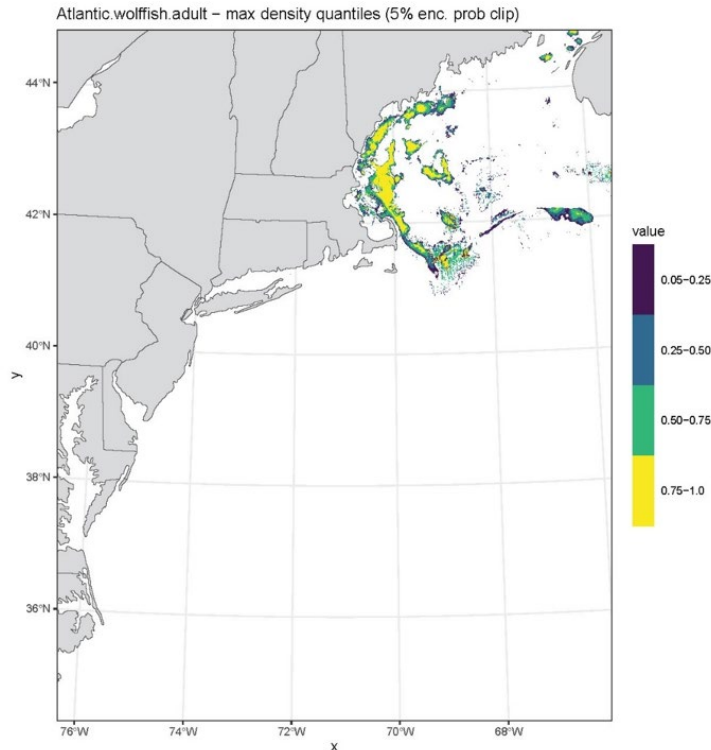
#### **Public Comment on the Consensus Statements:**

- There were no public comments on the AP and Committee consensus statements.

Next, AP and Committee members discussed two options for adult Atlantic wolffish maps. While both rely on the same underlying data and modeling approaches (integrated federal bottom trawl and longline survey data), there are two approaches to aggregating the model-predicted densities into the density quantiles that form the basis of the EFH area. The first approach calculates the probability of encountering a given species for each grid cell in the model area and trims any cells with < 5% encounter probability; model density quantiles are then calculated within this trimmed footprint. This “5% encounter probability approach” is used for the majority of NEFMC modeled species but can underrepresent habitat footprint area when a species is rare in the surveys, leading to extremely low encounter probabilities throughout the model domain. These very low encounter probabilities occur for adult halibut and wolffish. To address this issue, Dr. Haak developed an alternate approach that instead clips the footprint to the cells that contain 95% of the species’ cumulative abundance and then calculates the model density quantiles within that footprint. This “95% cumulative proportion approach” results in maps for adult halibut and wolffish that cover a larger area versus those developed using the 5% encounter probability approach. Council staff have reviewed both types of maps with stock assessment leads and Council groundfish staff, who thought the “95% cumulative proportion” map for halibut seemed reasonable and aligns with multiple other information sources, including published literature. However, for wolffish, the assessment lead felt that the “5% encounter probability” map with its smaller footprint was more representative given sharp population declines since ~2004. After considering both wolffish maps, the joint AP and Committee discussion resulted in the following consensus statements from each group:

### **3. CONSENSUS STATEMENT (AP):**

The Advisory Panel recommends using a consistent mapping methodology for adult Atlantic wolffish as for most other species in the framework, i.e., eliminating areas with < 5% encounter probability and then selecting the 75% density quantile as EFH, and adopting the map shown below (note that areas outside the U.S. EEZ will be removed from the final designation):



**APPROVED BY CONSENSUS OF THE ADVISORY PANEL.**

#### **4. CONSENSUS STATEMENT (COMMITTEE):**

The Committee recommends using a consistent mapping methodology for adult Atlantic wolffish as for most other species in the framework, i.e., eliminating areas with < 5% encounter probability and then selecting the 75% density quantile as EFH, and adopting the map shown above.

**APPROVED BY CONSENSUS OF THE COMMITTEE WITH TWO ABSTENTIONS.**

#### **Joint AP and Committee Discussion on the Consensus Statements:**

The AP and Committee discussed the two map options for adult wolffish. One Committee member asked for clarification on how declining populations would lead to the EFH area being smaller. Potentially, wolffish may contract their range to the most favorable habitats when their population declines. Several members discussed whether stock condition factors into EFH consultations. One Advisor wondered more generally how much EFH should be based on current distributions versus historical habitat use, noting that areas may have been suitable habitat in the past and that species may move out of a suitable area for a variety of reasons. They cautioned that tracking population declines could necessitate changing the EFH maps more frequently than every five years. The Advisor felt that the Council should avoid making EFH broader or narrower based on stock condition and keep the maps data-driven. They wondered whether it is possible to differentiate between a species' distribution contracting versus EFH (i.e., the most suitable habitat for the species) contracting. GARFO staff responded that they do generally provide conservation recommendations based on current conditions and that the EFH regulations recommend that the Councils take a risk-averse approach.

An AP member supported including commercial catch information in the designation. Council staff noted that landing wolffish is prohibited, so there is not any recent commercial data to incorporate. Overall, the updated EFH designations try to capture current habitat use by using data through 2022, whereas the

current EFH maps from OHA2 use data through 2004. AP and Committee members generally supported the wolffish assessment lead's recommendation to use the 5% encounter probability map.

**Public Comment on the Consensus Statement:**

- There were no public comments on the AP and Committee consensus statements.

After passing consensus statements on the winter flounder and wolffish maps, the AP and Committee reviewed the draft designations for the remaining species. One AP member was surprised that optical data (SMAST drop camera and NEFSC Habitat Camera) were not included in the models for scallops, particularly for juveniles, and asked what the process would look like to update the scallop models with the optical data. Staff responded that developing an approach that can integrate diverse sources of scallop data could be worthwhile intellectually and for management and the modeling contractor intends to continue scallop model development as resources allow. Staff will keep the Council apprised of developments and, if this work is completed and the optical data improve the models substantially, the Council could consider prioritizing an action to update scallop EFH again sooner than the next EFH 5-Year Review. The AP chair added that scallops and halibut both have unique data needs and modeling approaches that warrant a departure from consistency in methods. The Committee chair responded that, the night prior to the meeting, she and staff had discussed ways to incorporate additional information to recognize shifting distributions and limitations of fisheries independent data. She noted that similar conversations about evolving species habitat use occurred at recent scallop PDT, AP, and Committee meetings. The text descriptions can help capture contextual information while model development continues.

Public Comment

- There were no public comments on this agenda item.

The discussion resulted in the following motion from the AP and consensus statement from the Committee:

**5. MOTION (MINKIEWICZ/MCGUIRE):**

The Habitat Advisory Panel recommends that the Council select the action alternative updating essential fish habitat text and map designations as the preferred alternative for the 2026 EFH Framework; that the Panel acknowledge the Plan Development Team's completion of the GARFO guidance on species-specific map adjustments at Section 4.5 of Appendix E and of Tables 14 and 15 documenting each adjustment, its implementation, and its rationale; and that those materials, together with figures comparing the unadjusted species distribution model output to the recommended designations, accompany the framework when it is presented to the Council for final action in September.

**APPROVED BY CONSENSUS OF THE ADVISORY PANEL.**

**Public Comment on the Motion:**

- There were no public comments on this AP motion.

**6. CONSENSUS STATEMENT (COMMITTEE):**

The Habitat Committee recommends that the Council select the action alternative updating essential fish habitat text and map designations as the preferred alternative for the 2026 EFH Framework; that the Committee acknowledge the Plan Development Team's completion of the GARFO guidance on species-specific map adjustments at Section 4.5 of Appendix E and of Tables 14 and 15 documenting each adjustment, its implementation, and its rationale; and that those materials, together with figures comparing the unadjusted species distribution model output to the recommended designations,

accompany the framework when it is presented to the Council for final action in September. The Committee asks that key fishing areas might be highlighted in the EFH text as appropriate.

### **APPROVED BY CONSENSUS OF THE COMMITTEE.**

#### **Discussion on the Consensus Statement:**

One Committee member suggested a friendly amendment to the consensus statement to acknowledge key fishing areas in the text descriptions, as discussed earlier in the meeting. Council staff clarified that the intent is not to exhaustively list fishing grounds for each species, as that would make the text descriptions unwieldy. The Committee member suggested key areas be included in the text descriptions, while other areas could be mentioned elsewhere in the framework document.

#### **Public Comment on the Consensus Statement:**

- There were no public comments on the Committee consensus statement.

### ***AGENDA ITEM #3: GREAT SOUTH CHANNEL HABITAT MANAGEMENT AREA SURFCLAM EXEMPTION PROGRAM EVALUATION***

Prior to the lunch break and staff presentation on this topic, Allen Rencurrel (Nantucket Sound Seafood) provided copies of a chart showing the HMA to members and recommended the area north of 41° 05' N be opened to fishing because this is where there is generally higher abundance of clams and interest in fishing. He suggested that the area south of 41° 05' N remain available for research but otherwise closed to fishing. He noted the existence of the former Nantucket Lightship Closed Area, which overlaps the southwestern corner of the Great South Channel HMA and was removed via OHA2. Mr. Rencurrel has participated in both Exempted Fishing Permit (EFP) projects with Coonamessett Farm Foundation (CFF) and emphasized that surfclam fishing under the EFPs has been productive, with little fish bycatch. He noted that he and other surfclam boats fishing off Massachusetts have expressed concern about resource depletion in state waters.

Staff expressed appreciation for Mr. Rencurrel's willingness to share information with Council, especially since the Nantucket Shoals surfclam fleet is only a few vessels and data cannot always be shared with the Council at finer spatial and temporal scales given confidentiality requirements.

After lunch, staff presented the draft review of the Great South Channel HMA surfclam exemption program. They framed the report as decision support for Council priority setting in December and possible future action scoping. The presentation (and draft report) covered habitat characteristics and dynamics, managed species overlap with the HMA and exemption areas, continued uncertainty about cod spawning activity in the region, estimates of fishing-effects associated with clam dredging, a summary of fishery data, and recent EFP findings. Staff sought feedback from the Advisory Panel and Committee on additional information to include and ways to improve flow and clarity of text, maps, tables, and figures.

Key findings of the report include:

1. The Great South Channel HMA is highly dynamic environment and seafloor habitats are heterogeneous throughout the HMA.
2. Multiple New England and Mid-Atlantic Council-managed species occur in the HMA, some at high densities.
3. Atlantic cod is a species of conservation interest, but the relative abundance of cod in the HMA, as well as their current use of the HMA for spawning, is uncertain.
4. Fishing effects in the HMA peaked in 2016 and have declined since. Mean fishing effects are low.
5. The surfclam resource in the HMA is unsurveyed, and total harvestable biomass in the area is unknown. Based on a 2016 survey, surfclam distributions in the HMA are spatially heterogeneous.

6. Between 2013 and 2025, surfclam fishing effort, landings, and revenue declined within the HMA. Reduced access to surfclams outside the exemption and research areas seems to be largely responsible for the decline in landings from the HMA since the exemption program was enacted.
7. New data about the HMA since 2018 includes updated habitat maps and surfclam fishery characterization from the two EFP projects in the Rose & Crown and Davis Bank East, as well as the new species distribution models. Uncertainty remains around surfclam and habitat distributions, particularly in unsurveyed and unfished areas.
8. If the Council wishes to modify the exemption program but maintain the approach of smaller exemption areas within a larger closed area, designing new or modified exemption areas to increase surfclam harvest while maintaining the conservation value of the HMA would likely be somewhat challenging.

#### Committee and Advisory Panel Discussion

The group wanted to understand participation in the exemption program fishery relative to the number of permits active in the fishery coastwide. This information is in the draft report but can be expanded upon. Ms. Jessica Coakley (MAFMC staff, NEFMC Habitat PDT) noted that some vessels switch between harvesting surfclams and quahogs, so the total number of federal vessels reported in their Fishery Information Document is aggregated across the two species. The number of vessels currently active in the Nantucket Shoals fishery is low as compared to the total clam fleet size.

A Committee member clarified that the Great South Channel HMA is within the Western Gulf of Maine cod stock area (winter spawning component). The acoustic data referenced in the report has generally been analyzed for locations within the Southern New England cod stock area. The boundary between the two stock areas is 70° W, which runs along the western edge of Nantucket Shoals and is about 15 km from the western edge of the HMA. They also clarified that the spawning study referenced in the Clam Dredge Framework was based on expert knowledge of fishermen. The AP chair emphasized that the detection radius for cod from a fixed or moving acoustic receiver is quite small, around 100 m. They emphasized a point made in the report, that detecting cod grunts indicates that fish are spawning near the receiver, but that an absence of detections could reflect that only a small area is being sampled by the receivers, not an absence of spawning cod.

A Committee member asked whether sand lance occur in the HMA and whether impacts of fishing on sand lance should be noted in the report. They also wondered if there is a particular seasonality to surfclam harvest that might have a lesser or greater overlap with other species use of the area. Finally, they confirmed that the purpose of the report is to inform a discussion about priorities, not that the Council needs to immediately develop proposals for adjusting management of the area.

Multiple Committee members requested that the original rationale for designating the Great South Channel HMA and for considering clam dredge exemptions could be highlighted in the report. Staff agreed that this could be added. A Committee member suggested that when thinking about 2027 Council workload prioritization it would be useful to know whether opening additional areas to clam dredging would require mitigation of the resulting fishing impacts. Somewhat related to this, another member asked whether effort previously occurring in the HMA is being displaced to other locations, and if so, to where it is being displaced. An Advisor underscored the importance of presenting a balanced view of both habitat and fishery impacts, noting that practicability evaluations related to estimating and minimizing adverse effects rely on understanding the habitat value of a measure and also the costs to industry.

A Committee member asked whether the EFP compensation fishing used a liner. Staff confirmed that no liner was used and the vessels were fishing with typical commercial gear. Unlined commercial dredges are less likely to capture small clams, which provide an indication of where recruitment is occurring.

#### Public Comment

- **Shaun Gehan (Saving Surfclam Coalition)** appreciated the report, finding it to be comprehensive and balanced. He suggested the question to be asking is whether clam dredging negatively impacts cod habitat, acknowledging that this is challenging to assess given available data and a lack of direct research on cod in the area. His understanding is that cod are not expected to occur at high densities in the area. He noted that even at the peak of clam dredging in this area in 2016 that impact was 0.35%, which seems minimal in the context of natural disturbance occurring in the area. There have been clear negative effects on revenues due to the closure; this impact is understated since much of the revenue from the Rose & Crown and Davis Bank East areas was used to fund research. He echoed Mr. Rencurrel's proposal to open areas in the northern part of the HMA, and reserve areas in the south for research. He also echoed the earlier Advisor comment on legal / Magnuson-Stevens Act aspects, suggesting that there is no mandate to keep areas closed. The Council should evaluate actions on their own merits and minimize adverse impacts to EFH to the extent practicable. The primary duty of any Council is to prevent overfishing and achieve optimum yield. The New England Council does not manage this fishery, but the fishery is way below achieving optimum yield.
- **Ron Smolowitz (Fisheries Survival Fund, Coonamessett Farm Foundation Board Member)** commented that the CFF research is amazing, and increases our knowledge of what is happening on Nantucket Shoals – black sea bass populations, transience of substrate, etc. He commented that a framework action would be appropriate but acknowledged there are many tasks on the Council's plate and encouraged a Council recommendation to continue the EFP research. One important question that should be addressed with surveys is what is the status of surfclam recruitment in the area? Another question that could be addressed with optical surveys is whether there are any habitat types there that we should be concerned about fishing in. A third question is how fish are using the area; this could be addressed with baited underwater video and juvenile fish traps, paired with optical surveys. Mr. Smolowitz emphasized the importance of using commercial fishing vessels for research and that compensation fishing has paid for this research. He asked whether it would be worthwhile to open the entire area to fishing so that we can fund more research using fishery revenues. He said that overall we remain ignorant about what is happening inside fishery closed areas.
- **Jon Everett (Everett-Vehrs Conservation and Research Foundation)** introduced himself as a third-generation fisherman and long-time researcher who had retired about 20 years prior from coordinating science, industry-based research, and policy initiatives at NMFS. He currently runs a research organization that contracts with NMFS. He suggested that a key question that deserves a scientific response is does fishing improve EFH, rather than simply damage it? Disturbance to bottom sediments is assumed to be negative, but he believes that periodic disturbance can perform a habitat maintenance function and has previously, including in comments earlier this summer, shared research on this issue with the Council. Due to fine sediment, organic material, and biofilms, substrates can become unsuitable for settlement, and disturbance can expose clean materials, create hiding spaces for fishes, worms, and other organisms, and produce suitable settlement substrates. He argued that hydraulic dredging performs this function better than storms, and that sorting during fishing removes predators including conchs, crabs, starfish, etc. He suggested that the area would be likely to see improved surfclam recruitment following fishing, and that this hypothesis would be easy to test if using the correct gear for catching juvenile clams.
- **Monte Rome (Intershell Seafood)** owns five vessels, three of which are dedicated to surfclam harvest, and has been following this issue since OHA2. He expressed frustration in finding discrepancies throughout the report. It is important for the Council to know what captains of surfclam vessels see on the water and how much bottom they use for fishing, which is a very small amount. He noted that the catch rates in Rose & Crown have been excellent, perhaps five times the rates of other surfclam beds. He reminded the group of the petition he filed with NOAA

during spring 2025 to reopen the area to fishing, and expressed disappointment that no action had been taken yet. He stated that the initial closure of the Great South Channel HMA should not have occurred and asked the Council to continue to allow this industry to be viable. He referenced the original adverse effects determination in Amendment 13 to the Surfclam and Ocean Quahog FMP as the best available scientific information.

- **Scott Lang (Lang, Xifaras & Bullard)** said that he appreciated the report, and that the industry had been able to fish and do research under the EFPs. He thinks a Council action to reopen the area is warranted, but in the meantime, EFPs give necessary information to support management. Unless the government can provide data, compensation fishing is really the only way to obtain this information, and the EFP work should continue.

Following the discussion on the review report, the Advisory Panel and Committee passed the following consensus statements, respectively:

#### **7. CONSENSUS STATEMENT (AP):**

That the Habitat Advisory Panel recommend that the Committee direct the Habitat Plan Development Team to evaluate the Great South Channel Habitat Management Area Surfclam Dredge Exemption Program against the objectives for which it was designated, using the updated Fishing Effects results at the management area scale, the updated essential fish habitat designations, the substrate stability and natural disturbance findings in the EFP 23073 final report, and a spatially explicit assessment of landings and revenue within the Area.

#### **APPROVED BY CONSENSUS OF THE ADVISORY PANEL.**

*Rationale:* There is a lot of great information in the EFP reports, but EFPs are not a long-term solution here, and the Council should decide how to move forward based on the research and the information in the report.

#### **8. CONSENSUS STATEMENT (COMMITTEE)**

The Committee directs the Habitat Plan Development Team to evaluate the Great South Channel Habitat Management Area Surfclam Dredge Exemption Program against the objectives for which it was designated, using the updated Fishing Effects results at the management area scale, the updated essential fish habitat designations, the substrate stability and natural disturbance findings in the EFP 23073 final report, and a spatially explicit assessment of landings and revenue within the Area.

#### **APPROVED BY CONSENSUS OF THE COMMITTEE.**

#### **Joint AP and Committee Discussion on the Consensus Statements:**

The group discussed next steps, which are that the Council will review the report, and consider whether to adopt a work priority to revise the exemption program. This work could also include consideration of the research objectives for the Great South Channel HMA and whether the objectives might be revised given the work that has already occurred under the two EFPs. If the Council agrees to develop an action, it will be important to develop a clear problem statement identifying the objectives of the action and types of alternatives to be considered.

A Committee member expressed concern that the recommendations in the consensus statement might be expanding the scope of the report, and recommended waiting for the Council's priorities discussion before doing additional work. The language of the AP consensus statement was adjusted to focus on evaluating the exemption program against the program's objectives, as established in the Clam Dredge Framework. The group agreed that relating the findings of the evaluation back to objectives of the

exemption program was important, especially given there are new Council members since the exemption program was recommended in 2018. Another Committee member suggested that at this juncture, the key question is whether the report is ready to inform a Council discussion about priorities. Limiting ourselves to meeting this objective will address concerns raised about going beyond the current year's tasking.

A few issues were clarified during the discussion. Staff noted that the EFH designations presented in the report are those approved in 2025 or are action alternatives in the current 2026 EFH Framework. Also, public comments made during the meeting, or provided in writing for this meeting, will be shared with the Council.

#### **Public Comment on the Consensus Statements:**

- **Mr. Smolowitz** referenced the four research objectives identified by the Council for the Great South Channel HMA. The number of compensation fishing trips authorized was capped, which limited the amount of fishery independent work that could be accomplished under the EFP. The habitat mapping was the major accomplishment of the EFP research. He suggested that the tradeoff before the Council is whether generating \$5-10 million from the HMA would be worth the effects of sweeping less than 10% of the seafloor on an annual basis. Researchers did not see significant impacts to epifauna, or to juvenile or adult cod, but further EFP-supported work would allow additional research into these questions. He agreed with Dr. Everett's assertion that dredging can increase productivity. Finally, he acknowledged that the Council is busy, and that Northern Edge access should be a higher priority, but in the meantime the EFP-based work should continue.

#### ***AGENDA ITEM #4: OTHER BUSINESS***

The group discussed the scope of future planned habitat work.

### **9. AP MOTION (MINKIEWICZ / BRAGDON)**

The Habitat Advisory Panel recommends that the Council, in scoping the review of measures to minimize the adverse effects of fishing on essential fish habitat identified as Component 6, Recommendation 1 of the January 2025 EFH Five-Year Review, expressly include the Closed Area II Habitat Closure Area and the Northern Edge Juvenile Cod Habitat Area of Particular Concern (HAPC) within the scope of that action; and that the Council direct the Habitat Plan Development Team to evaluate that HAPC against each criterion identified for it in Table 6 of the Five-Year Review Summary Report, and to identify by information level under 50 C.F.R. 600.815(a)(1)(iii) the data supporting each criterion, using the six-year post-impact results reported in Gallagher et al. (2022), Harris et al. (2025), and the updated Atlantic cod essential fish habitat designations adopted through the 2025 EFH Framework.

*Rationale:* Ensure that evaluating the Northern Edge HAPC is part of the Council's review of adverse effects minimization measures. HAPCs and HMAs should be evaluated together.

#### **APPROVED BY CONSENSUS OF THE ADVISORY PANEL.**

#### **Discussion on the Motion:**

There was general agreement that reviewing HAPCs alongside HMAs would be reasonable, but there was concern that this statement singled out a particular HAPC given interest in fishing access to the northern edge of Georges Bank when consideration of all HAPCs would be more appropriate. Staff explained that a list of all HAPCs was available in the January 2025 EFH Review Report<sup>1</sup>.

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<sup>1</sup> <https://d23h0vhsm26o6d.cloudfront.net/NEFMC-EFH-Review-Summary-Report-Final.pdf>

#### **10. COMMITTEE MOTION (HANSEN / ODELL)**

The Committee recommends that the Council, in scoping the review of measures to minimize the adverse effects of fishing on essential fish habitat identified as Component 6, Recommendation 1 of the January 2025 EFH Five-Year Review, include all current NEFMC HAPCs within the scope of that action.

*Rationale:* Expand the Advisory Panel's recommend to include all HAPCs.

#### **THE MOTION CARRIED 8/1/1.**

##### **Discussion on the Motion:**

While the Advisory Panel adopted a Northern Edge-focused motion, the Committee recommended a broader look at the full set of HAPCs. They clarified that this work was for a future Council action or EFH review, not an immediate task. Staff clarified that they understood that this recommendation could be taken up around 2028, at the 10-year mark following OHA2 when the Council's system of HMAs would be re-examined. Staff noted that overlap between newly designated EFH and existing HAPCs was being considered as part of the Council's EFH frameworks, for example the updated juvenile cod EFH designation was compared to the juvenile cod-focused HAPCs in the 2025 EFH Framework.

Following approval of the Committee motion, the meeting adjourned at approximately 3:30 p.m.