New England Fishery Management Council
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Eric Reid, *Chair* | Thomas A. Nies, *Executive Director*

MEETING SUMMARY

Habitat Plan Development Team (PDT)

February 7, 2023
9:00 – 10:30 a.m.

Agenda

The PDT met to discuss revised alternatives to authorize possession of farmed Atlantic salmon in offshore aquaculture operations, which are being developed as Framework 1 to the Atlantic Salmon Fishery Management Plan. The PDT also discussed a plan for completing a draft of the framework document prior to a late March Habitat Committee meeting.

Meeting attendance

PDT members included Michelle Bachman (Chair), Peter Auster, Sharon Benjamin, Jessica Coakley, Jenny Couture, Geret DePiper, Fiona Hogan, Julia Livermore, David Packer, Sabrina Pereira, Doug Potts. Other invited participants included Chris Schillaci, Ashleigh McCord, David Bean, and Eric Nelson. Christian Petipas (MADMF) and Allison Lorenc (CLF) also attended.

Atlantic Salmon Aquaculture Framework

Staff reviewed the draft framework document, including the three alternatives. Alternative 3 was added after the January Council meeting to have a pared down action that focuses on authorizing possession of farmed salmon via a letter of authorization (LOA) versus also requiring vessel and dealer reporting like what is included in Alternative 2. GARFO staff explained that there is not a lot to gain from requiring reporting information and that the Enforcement Committee should weigh in on the range of alternatives to determine if anything should be added. A requirement to have an LOA that identifies an individual or operation and associated vessels is likely sufficient from an enforcement perspective to show that these entities are exempt from the prohibition on possession of wild salmon. This LOA could then be provided to any dealer as a way to identify that the entity is authorized to possess salmon. Furthermore, a dealer permit is already required at the state level, thus a dealer reporting requirement as part of this framework could be duplicative. A requirement to report a dealer number should be discussed by the Enforcement Committee and NOAA General Counsel. An alternative could be a requirement to maintain records of transactions.

On the LOA specifically, the PDT agreed that a list of information that should be included at a minimum was a good idea and noted that project-specific information could be added as needed along with any other information as required by the GARFO Regional Administrator. The LOA would be designed to be issued to all authorized vessels, not just the project applicant. The PDT reiterated that any vessel that is in possession of farmed salmon should have an LOA. This would include transferring salmon from shore to the offshore farm and back to shore, regardless of the salmon disposition (smolt, harvestable size, mortality, etc.). If there is an escapement event and commercial fishermen are assisting, then those fishermen would need to acquire an LOA in order to possess and transport salmon. If a fishermen happens to catch the salmon, then fishermen would be required to release it and document the interaction via a trip report given salmon is an endangered species, protected under the Endangered Species Act. Interactions with other species are typically required to report on VTRs, though sometimes protected species have additional or other requirements, namely marine mammal interactions are reported on a separate form.

The PDT also discussed whether the alternatives should require vessels to either stow fishing gear or not have available for use other gear or have a requirement that fishing gear cannot be on board when in possession of salmon. This is an Enforcement Committee question. GARFO seems inclined to require no fishing gear on board when in possession of salmon given that is easier from an enforcement perspective, however, is more restrictive to fishermen.

Regarding container tagging, this should be required if multiple species of fish are on board, however, would not be necessary if the vessel only contains salmon given the vessel could then be considered a container. A logbook could accomplish the same record keeping function as container tagging if the vessel is considered a container with only salmon on board.

Regarding the impact analysis, the framework is focused on authorization of salmon aquaculture, not an individual project, thus, the impacts will be kept at a higher, more general level that is more qualitative. The Council's action should facilitate projects, but does not ensure that they go forward, nor would taking no action prevent aquaculture from occurring in federal waters. NEPA staff suggested bounding the spatial extent of the impact analysis and describing the types of impacts that may result from salmon aquaculture, relative to all valuable ecosystem components. The PDT agreed it would be helpful to map this footprint prior to proceeding with further development of the affected environment section, and before drafting the impacts sections. The spatial extent could be determined by the water temperature and/or depth suitable for salmon culture, possibly limited by a maximum distance to shore where aquaculture operations are likely to occur. NOAA staff noted that James Morris from the National Centers for Coastal Ocean Science (NCCOS) can apply data sets and methods they are using for wind and aquaculture siting models in the Gulf of Maine to develop a shapefile of the geographic extent. Regarding determining potential impacts, a few PDT members discussed that it is not clear the number of salmon farm projects that are likely to occur in the future. While this makes developing the impacts analysis somewhat more challenging, this information isn't really knowable as we develop this action, so we have to deal with this uncertainty. Staff reiterated that this authorization is focused only on farmed salmon and that impacts should be qualitative and kept at a higher level.

Related to data on current salmon aquaculture to use to inform the description of the affected environment, any production level data from current aquaculture farms is confidential given there is only one company farming salmon, so this activity can only be described in general terms.

Resources to consider in the impacts analysis include the Council aquaculture policy and background document, the EIS outline for BlueWater Fisheries, and the Omnibus EFH Habitat amendment including the non-fishing activities appendix.

A PDT member expressed concern about salmon aquaculture farms negatively impacting EFH and being vectors for spreading invasive species. GARFO staff commented that there are specific elements that will be addressed in NOAA's EFH consultation and other consultations with federal agencies. For example, EPA is involved in water quality issues along with other ocean discharge criteria review and permitting so impacts to water column EFH could be covered through this avenue. These and other types of concerns can be addressed and acknowledged at a higher level in the impact section and then the Council can make specific comments and suggestions for an individual project.

Another PDT member was concerned about the salmon authorization being perceived as increasing the risk of entanglement to protected species. He reiterated that there is a permitting process in which the project must go through Marine Mammal Protection Act (MMPA) consultations and it is important to not lose sight of this entanglement issue. This type of impact can be included in the framework, though, it is worth noting that an aquaculture project does not need an individual MMPA authorization given the project would be covered under a fishing exemption.

The PDT also discussed whether the framework scope is limited to areas beyond 3 nautical miles given it is possible that research projects might occur within 3 nm. There are several states that have their own aquaculture regulations with their own permitting processes. A PDT member noted that there are not specific regulations pertaining to possession of salmon but there are regulations for how salmon are transported to minimize fish health risks (i.e., water discharge). There was also a question of transporting salmon through federal waters and whether that should be addressed in the framework. For example, some fish are harvested in Maine state waters and then transported to Canada for processing and vice versa. This type of transit could be covered by an LOA most likely.

Other business

None was discussed.

Follow up items

- Revise alternatives and rationale based on comments.
- Work with NOAA NCOOS, develop a footprint to bound the affected environment, based on the environmental requirements for salmon culture in the EEZ (i.e., minimum and maximum temperature, depth, distance from shore an operation could occur, etc.).

  - Characterize fisheries, managed fish species, protected species in the analysis area for the affected environment section.
- Characterize a typical net pen salmon aquaculture project and summarize reporting mechanisms for the affected environment section.
- The Enforcement Committee will meet on March 15th to discuss the alternatives and any enforcement-related concerns. The Habitat Advisory Panel will meet on March 21st via webinar followed by the Committee on March 23rd.