



## New England Fishery Management Council

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Eric Reid, *Chair* | Thomas A. Nies, *Executive Director*

## MEETING SUMMARY

### Habitat Plan Development Team

January 10, 2022

3:00 – 5:00 p.m.

#### *Agenda*

The PDT (1) discussed an action to designate a Habitat Area of Particular Concern (HAPC) in Southern New England and (2) finalized the Northern Edge white paper for committee review.

#### *Meeting attendance*

PDT members included Michelle Bachman (Chair), Peter Auster, Sharon Benjamin, Jenny Couture, Geret DePiper, Rachel Feeney, Moira Kelly, Julia Livermore, Dave Packer, David Stevenson, Alison Verkade, and Carl Wilson. Other attendees included Melanie Griffin, Alison Lorenc, Drew Minkiewicz, Jonathon Peros, and Kelly Whitmore.

#### *Discussion*

##### *Habitat Area of Particular Concern Designation Action*

The PDT reviewed and edited a draft memorandum to the Habitat Committee. The memo includes sections on background, problem statement and rationale, objectives, information to consider, and next steps. The final version of this document is provided as document 5 for the January 18 Habitat Committee meeting.

The background section contrasts HAPCs with Habitat Management Areas and describes fishery management areas in effect or considered for Southern New England. The PDT agreed to add examples of how other Councils use HAPCs. These examples will be useful in determining the appropriate level of National Environmental Policy Act (NEPA) analysis to complete for this action.

For the problem statement and rationale section, the PDT agreed that offshore wind development is a primary driver, but suggested including aquaculture as well, which could be an issue in the future and perhaps co-located with wind energy projects. The PDT agreed that Atlantic cod was a focal species for this designation but will consider whether others should be included as well. For example, the question of habitat conversion from soft to hard bottom was raised in the context of sea scallops. Squid was noted a species of interest in Southern New England, however, because squid are managed by MAFMC they would not be a focus here. This action

will be limited to identifying a subset of NEFMC essential fish habitat (EFH) as a HAPC. We will determine whether this action is a groundfish framework only, or a framework to other fishery management plans based on other focal species.

Relative to cod, the PDT suggested reviewing passive acoustic monitoring and telemetry work and the stock structure report. The team also discussed the action's spatial scale and wondered if the southern extent of cod habitat off New Jersey should be discussed.

Related to the draft objectives, the PDT discussed that some of the objectives drawn from Omnibus Habitat Amendment 2 and the EFH regulations are difficult to achieve in Council actions, including those related to habitat enhancement in HAPC designation actions. The clearer objectives specific to HAPC designation will remain in the memo and the others will be removed. The chair clarified that HAPC designations are intended to underscore the importance of certain locations and habitat types within the EFH consultation process, so that impacts to these areas can be avoided or the activity can be modified to reduce impacts.

The team discussed information sources and next steps as well.

#### *Northern Edge White Paper*

The PDT discussed the white paper that provides information to consider for habitat management on the Northern Edge of Georges Bank.

The team suggested specific edits to the summary of recent gear effects literature. The team agreed that it was difficult to directly compare the two research-set-aside projects examined in the report (Gallager et al. and Harris et al.) because of methodological differences.

The team spent the remainder of the meeting discussing revisions to the conclusions section. The PDT agreed that this section should 1) more directly address whether there is sufficient information to support revising habitat management approaches in this region and (2) link back to Omnibus Habitat Amendment 2 outcomes and concerns raised by NOAA Fisheries in the final rule. Staff will revise this section and circulate to the PDT for review before distributing the document to the Habitat Committee on January 12. Overall, the information summarized in the white paper is consistent with information used to support Omnibus Habitat Amendment 2. The group discussed additional research that would be desirable to inform management of this area and recommended the collection of additional data that can be used to assess recovery at the BACI sites examined by Gallager, et al. The PDT can revisit this question when updating research priorities.

Echoing prior meetings on this topic, the PDT discussed questions such as how to evaluate tradeoffs between habitat protection and fisheries access and how to know whether habitat management areas are having the desired effect on fisheries resources. While acknowledging that these are important questions for the Council to consider, they are beyond the scope of the white paper.

The chair noted that the intention is to get to this document to a good stopping point for the time being, since the Council did not prioritize this work for 2022. After the January 18 Habitat

Committee meeting, she will follow up with the PDT if there are areas to clean up. Committee requests for more extensive work will be set aside for completion later.

***Follow up items:***

- Assemble examples of HAPC use at other Councils based on staff-to-staff correspondence and Fisheries Forum report.<sup>1</sup>
- Determine level of NEPA analysis required for HAPC action.
- Poll for conference calls in February, March, and April, including outside expertise as needed.
- Clean up HAPC memo for distribution.
- Complete remaining white paper revisions.

No other business was discussed, and the meeting adjourned at approximately 5:00 p.m.

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<sup>1</sup> [Regional HAPC Use Report](#)