



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116

E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

MEETING SUMMARY

Habitat Committee Crowne Plaza, Warwick, RI March 22, 2016

The Habitat Committee met on March 22, 2016 in Warwick, RI to discuss ongoing habitat-related management actions, primarily the Deep-Sea Coral Amendment, but also to receive brief updates on Omnibus Essential Fish Habitat Amendment 2 (OHA2) and the framework adjustment to evaluate clam dredge access to two OHA2 habitat management areas. The Committee also received a presentation on the Northeast Regional Ocean Plan.

MEETING ATTENDANCE: Dr. John Quinn (Chair), Doug Grout (Vice Chair), Terry Alexander, Vincent Balzano, Elizabeth Etrie, Mark Gibson, Dr. Matthew McKenzie, Eric Reid, Warren Elliott, Jeff Kaelin, and David Borden; Michelle Bachman, Maria Jacob (NEFMC staff); Mitch MacDonald (NOAA General Counsel). Terry Stockwell (Council Chairman) and Mary Beth Tooley (Council member) were also in attendance. Betsy Nicholson and Emily Shumchenia were invited to present an update on the Northeast Regional Ocean Plan. In addition, approximately 15 members of the public attended.

KEY OUTCOMES:

- Committee recommended a problem statement for the Deep-Sea Coral Amendment
- Committee forwarded a series of deep-sea coral management zone recommendations, some revised from 2012 and some new, to the Council for consideration
- Committee recommended adjustments to the range of frameworkable items in the Deep-Sea Coral Amendment

Dr. Quinn gave a brief introduction, noting this was his first meeting as Committee chair. Ms. Bachman updated the Committee on the status of the OHA2, which will be sent back to the Council for final revisions in April.

AGENDA ITEM #1: DEEP-SEA CORAL AMENDMENT

First, the Committee discussed the goals and objectives for the Deep Sea Coral Amendment. Dr. McKenzie recommended identifying a clear set of goals for this action. Mr. Kaelin expressed support for some language regarding the long term sustainability of the fishing industry.

Motion #1 (McKenzie/Gibson): Move that the Committee recommend the Council adopt the following as goals and objectives for the coral amendment:

- 1. Reduce the impacts of fishing gear on deep sea corals in the New England region to the extent practicable;**
- 2. Protect vulnerable deep sea corals and their ecosystems while considering the operational needs and long term sustainability of the existing commercial fisheries;**
- 3. Provide appropriate management for Coral Habitat Areas of Particular Concern;**
- 4. Use the best available science to identify and confer strong protections for those areas known to be deep-sea coral hotspots and where fishing effort is minimal to nonexistent, including the canyons and seamounts offshore and areas within the Gulf of Maine inshore including: Mt. Desert Rock, Western Jordan Basin, Outer Schoodic Ridge, Central Jordan Basin, and Lindenkohl Knoll;**
- 5. Increase public awareness of the importance and sensitivity of deep-sea corals and their ecosystems; and**
- 6. Provide a coordinated management regime for the conservation of deep-sea corals and their ecosystems.**

Public comment:

- Erica Fuller (Earthjustice) was in favor of the motion; stating she felt it was consistent with the Mid-Atlantic Fishery Management Council's amendment and reflects some of the South Atlantic Fishery Management Council's objectives for corals.
- Mary Beth Tooley was opposed, stating the language in item 1 regarding gear impacts is different than freezing the footprint. She was concerned that the language implied reductions in fishing effort would be necessary. She thought additional time to consider the motion would be helpful.
- Megan Lapp (Seafreeze, Ltd.) agreed with Ms. Tooley's concerns, and stated that there is a high amount of effort in the canyons, for squid and other species.

Committee discussion:

Mr. Alexander commented that goals and objectives seemed often to tie the Council's hands.

Mr. Borden commented that item 4 of the motion is problematic because lobster fishing occurs in all the canyons, in addition to monkfish and squid fishing. The language referencing 'minimal fishing effort' should be removed. He also felt that the references to specific locations of coral zones should be removed, so that the motion was more generalized. Mr. Grout asked a similar question, i.e. why are the Gulf of Maine areas the only ones called out by name in the motion?

Dr. McKenzie stated that his intent was to remind the Committee that there are areas within the Gulf of Maine that have corals, but that he was comfortable generalizing the language. He also commented that the Council is often are charged with questions of accountability, and we need a yardstick against which the public can hold us accountable. The motion was not intended to preclude a more general mission statement.

Mr. Gibson commented that he was also concerned with item 4, even after the language was amended to be more general. Mr. Alexander suggested tabling the motion until later in the day.

Motion #1 was tabled by a unanimous show of hands until after the first staff presentation.

Ms. Bachman presented Plan Development Team (PDT) recommendations for updates to deep sea coral zones (refer to documents 3, 4, and 5). The Plan Development Team does not recommend any changes to the seamount boundaries, so the presentation focused on the broad deep sea coral zones and the discrete zones in the canyons and in the Gulf of Maine. Four types of corals are found in New England: soft corals, stony corals, black corals, and sea pens. She noted that during recent fieldwork, sea pens in the Gulf of Maine have been found to harbor larval redfish. Some species of soft corals, stony corals, and black corals have complex branching structures. Deep-sea corals are generally very long lived, and their recovery times following impact are very slow, compared to other benthic organisms that occur in the region. Corals provide refuge and feeding opportunities for other animals, including managed fishes. Many of the recommended zones overlap with designated Essential Fish Habitat.

Next, she described the process the PDT used to edit the broad zone boundaries, moving from depth contours to straight line approximations of these contours, with defined waypoints.

Ms. Bachman replied to a question that the observer program has not in the past focused on coral observations; however, there have been recent efforts to collect this information. A Committee member suggested that it is important to convey the size differences for the three broad zone alternatives.

Ms. Bachman continued with her presentation, describing the development of the canyon zones. She explained that the boundary was initially drawn based on multibeam bathymetry data that was used to observe the shape of the canyon, and that overlaps with areas of high slope and high habitat suitability were also considered. The PDT recommended adding eight new discrete canyon zones, and defining the boundaries of all zones using the approach described above and in document 3. Ms. Bachman presented video highlights from recent coral studies in the Gulf of Maine. As there is not comprehensive high-resolution terrain data available for the entire Gulf of Maine, the PDT's suggested coral zones boundaries were developed to encompass coral observations during recent dives, with boundaries extended somewhat around the dive sites where similar terrain could be readily inferred. In the Gulf of Maine, the PDT recommended revisions to one of the Western Jordan Basin zones, removal of another Western Jordan Basin zone, and new coral zones in Outer Schoodic Ridge, Central Jordan Basin, and Lindenkohl Knoll.

Mr. Kaelin asked for clarification regarding the previous vs. current Jordan Basin zone boundaries. Ms. Bachman clarified that a previous zone in the western part of the basin was no longer recommended; this zone had been based on inference of suitable habitat, but all of the current PDT recommendations for discrete zones have confirmed presence of corals. The Central Jordan Basin zone is a new recommendation.

Mr. Grout suggested that the Mount Desert Rock zone could be drawn differently to more closely encompass the dive sites where corals had been observed. Ms. Bachman agreed, and elaborated that the Eastern Gulf of Maine habitat management area proposed in OHA2 was just inshore of the coral zone. The coral zone, as well as the HMA, are immediately outside Maine state waters. He also asked about sea pens, which appear to occupy a different habitat type, and whether the impacts of fishing gears on sea pens were understood relative to impacts on more structured coral species. What is the rationale for considering sea pens in the coral amendment? Ms. Bachman commented that the PDT designed the zones to focus on habitats for structure-forming corals that require hard substrates for attachment, such that sea pen habitats would likely be protected to some extent, but incidental to the primary design objective for the zones. In the Gulf of Maine in particular, sea pens are very common and widespread. Finally, he asked about the evidence for fishing gear impacts. Ms. Bachman responded that there are two types of evidence for gear impacts, observations in video or still imagery of what appear to be gear tracks, particularly in the Lindenkohl Knoll area, and observations of ghost gear and other human debris. The abundance of marine litter during 2013 canyon survey dives was quantified in Quattrini et al 2015¹ but gear observed during other surveys has been described more qualitatively.

Mr. Borden asked which lobster conservation and management area overlapped the Outer Schoodic Ridge area; Mr. Stockwell responded that it was LMA 1 (Maine Lobster Zone A). The Mount Desert Rock coral zone is within LMA 1 as well (Maine Lobster Zone B). Mr. Stockwell explained that there is a significant amount of lobster fishing effort near Mount Desert Rock, and stated that the state of Maine may be resistant to these proposed measures, particularly if the coral zone overlapped state water (note that the area is outside but adjacent to state waters). Mr. MacDonald explained that the Council may regulate federal permit holders within state waters, but not state-only permit holders. Ms. Bachman reminded the Committee that the nearby Eastern Maine HMA near the Mt. Desert Rock site was proposed as a closure to mobile bottom-tending gears in OHA2.

Mr. Alexander asked about the coral habitats observed in the Lindenkohl Knoll site, and Ms. Bachman confirmed that there was one high density site and two moderate-low density sites, with the boundary drawn to encompass all three. He commented that the proposed boundary for Lindenkohl Knoll seems too expansive, based on his experience fishing in the area and his knowledge that much of the area is relatively smooth and can be fished with trawl gear. Following up on this comment, Mr. Kaelin asked whether tow by tow information had been examined yet, and if a workshop process would be considered to evaluate this sort of information in detail. He noted that the squid industry submitted lots of tow by tow data for the workshop. Ms. Bachman commented that some tow tracks have already been compiled by the Council, based on at-sea observer data, but some gear types have much lower sampling rates in the observer database, for example lobster gear. Patterns of trawling seem to be fairly well depicted in the observer data, however, and are consistent with revenue maps generated using vessel trip report data.

¹ Quattrini, A. M., M. S. Nizinski, et al. (2015). Exploration of the Canyon-Incised Continental Margin of the Northeastern United States Reveals Dynamic Habitats and Diverse Communities. PLoS One 10(10): e0139904.

Public Comment:

John Williamson (Ocean Conservancy) noted that while mobile bottom-tending gear impacts appear to be a major focus of the discussion, in his experience in the Gulf of Maine, fixed gears, including gillnets, traps, and longlines, capture corals, sometimes at high rates.

Ms. Lapp asked about the depth contours being analyzed for the broad zones, i.e. 300, 400, and 500m, and whether these depths were appropriate given that sampling during recent canyon dives generally occurred seaward of these depths, with many corals found at 900-1700m. She also noted that the habitat suitability model outputs are on a 370m grid, which is a somewhat coarse resolution, and that the suitability model is based on presence only data for corals. This means that the model outputs will reflect any biases in the underlying data. See December 4 PDT summary for more detail on these topics.

Following a short break, Ms. Bachman gave a second presentation (Document 6) that reviewed the gear restrictions currently proposed in the Deep-Sea Coral Amendment. One of the alternatives would restrict bottom tending gear, with a possible red crab trap exemption, and the other alternative would restrict mobile bottom-tending gears only. She noted that the broad zones and discrete zones could have different gear restrictions, for example, discrete zones might be more restrictive than broad zones, or vice versa. She emphasized that the language in the current draft of the amendment, which was written in 2012, indicates that restrictions on lobster fishing are not under consideration, but this topic warrants further discussion, as 2014 NMFS guidance indicates that the Council can develop measures using the discretionary coral authority that apply to the lobster fishery. The amendment also includes a list of frameworkable provisions related to changes to fishing restrictions in coral zones.

Next, Ms. Bachman described the Mid-Atlantic Fishery Management Council's (MAFMC) coral zone fishing restrictions selected during final action in June 2015. In the MAFMC proposals, all bottom-tending gears would be restricted, with an exemption for the red crab fishery in both the broad and discrete zones. Restrictions on lobster gear were not considered as an alternative in the MAFMC amendment. In the discrete zones, the MAFMC noted that it may revisit the red crab exemption after a period of no less than two years. The MAFMC amendment also includes a list of frameworkable measures.

Finally, Ms. Bachman presented information on fishery revenue overlapping the coral zones, summarized by gear type, fishery management plan, or species. Tow tracks based on at-sea observer and vessel monitoring system data were presented for some gear types. She discussed gaps in the lobster revenue data, particularly questions around the spatial distribution of revenue. The Atlantic States Marine Fisheries Commission (ASMFC) coordinated with the Council to develop a survey that asks permit holders authorized to operate in Lobster Management Area 3 about their fishing practices (location, depth, relative importance of different canyons, etc.). ASFMC is accepting responses on the survey through the end of March, and they plan to provide the results of this survey to the Council in April². On March 14 and 15, Ms. Bachman attended

² The survey report is still under development and will be provided at a later Council meeting, following review by the ASMFC's Lobster Board.

informational sessions on the lobster effort survey in order to cover the basics of the coral amendment for lobster industry members and answer questions.

Committee discussion:

Dr. Quinn asked Mr. Elliott to provide information on the MAFMC coral workshop, which was used to refine discrete zone boundaries prior to final action. Mr. Elliott explained that while the MAFMC's work on deep-sea corals benefitted from information provided by the NEFMC Habitat PDT, the breakthrough in the amendment process was the workshop. The workshop attendance was capped at approximately 50 participants, and attendees included environmental non-governmental organizations (ENGOS), fishing industry members and representatives, and scientists. He facilitated the workshop as Habitat and Ecosystems Committee chair. In addition to considering the MAFMC Coral Fishery Management Action Team (FMAT) boundaries, a collation of ENGOS and the fishing industry each contributed their own set of boundary recommendations. The industry also provided information on areas where tows are conducted and where gear hang-ups occur.

Mr. Grout asked what fisheries were represented, and Mr. Kaelin and Mr. Reid responded that there were red crab, squid, monkfish, and recreational fishery participants.

Mr. Reid suggested that NEFMC should conduct a workshop prior to decision-making, to hear the industry's input on where they fish. He also noted that the landward boundary of the MAFMC broad zone has 174 waypoints, which could make it difficult to enforce.

In response to a question about the revenue maps in the presentation posed by Dr. McKenzie, Ms. Bachman clarified that the heat maps show revenue, not effort, and that the color bins are quantiles (more specifically, five equal quintiles). The Social Sciences branch at the Northeast Fisheries Science Center are working on a more standardized approach to mapping these data (i.e. how to assign color categories), and staff will coordinate with them on the most appropriate mapping techniques. In addition, the Plan Development Team can provide tables of estimated revenue or effort by gear type, coral zone area, and year, similar to the tables in Omnibus Habitat Amendment 2. Ms. Bachman noted that as potential impacts on corals will relate more closely to effort and bottom contact as opposed to revenue per se, the PDT will evaluate both metrics.

There was some discussion of the Council's authority under the coral discretionary provisions in the Magnuson Stevens Act. Dr. Quinn explained that the 2010 written advice provided by GARFO indicated that the Councils could not restrict lobster gear under the discretionary authority. In the 2014 guidance there was further consideration of this issue. Mr. MacDonald agreed that while there are discretionary provisions which allow regulations to protect deep-sea coral in the MSA, the closer you are to protecting habitat for a species already managed in an FMP, the safer ground you are on in terms of regulating fishing managed by other authorities. Regardless of how tight the linkages to NEFMC-managed species are, other authorities including the Atlantic States Marine Fisheries Commission should be consulted. He noted that the Commission could of course regulate their own fisheries for deep sea coral protection.

FINAL

Mr. Stockwell, commenting for the Maine Department of Marine Resources, said that it would be important to look at lobster revenue from the inshore areas from the state. Ms. Bachman agreed that this was an important issue especially in LCMA 1, and will coordinate with the DMR representative on the Habitat PDT.

Mr. Borden commented that the ASMFC's LMA Area 3 permit holder survey is fairly detailed, and should address data gaps in those locations.

Mr. Reid asked when the Council should integrate the enforcement issues into this discussion. Mr. Elliot commented that enforcement was involved in the MAFMC process, and did raise some concerns. Law enforcement had opinions on the transiting restrictions as well.

It was noted that some of the coral areas overlap with existing fishery management closures, such that recent data for these areas will not be useful to convey their past importance as fishing grounds. Specifically, there are mobile bottom-tending gear closures to protect tilefish habitat in the heads of Veatch, Lydonia, and Oceanographer Canyons, and monkfish fishing is not allowed in Lydonia or Oceanographer Canyons.

Mr. Grout asked if the agency would be able to provide a clarifying letter that would include some additional advice on the management of lobster fishing by the NEFMC, to help inform the Council discussion on the matter. Mr. MacDonald will look into it.

Public comment

Ms. Lapp asked why there were no revenue maps for shortfin squid and butterfish. Ms. Bachman stated that longfin squid had the most obvious overlap with the areas during 2014, but that she could provide that information. Ms. Lapp asked if it was possible to show revenue by year, and commented that there can be substantial inter-annual variability in the magnitude and location of landings for these relatively short-lived species. Ms. Bachman agreed it would be helpful to show trends over time.

John Williams (red crab industry representative) spoke favorably about the MAFMC workshop, which he felt was effective, and included compromises that the Council could agree to.

Mr. Alexander asked if the earlier comments on the depths where corals are most common had been evaluated by the PDT. Ms. Bachman commented that the PDT has not had a thorough discussion of this issue considering more recent data, but that such a discussion would be helpful. She agreed that most of the dive sites were in deeper water.

The Committee brought Motion 1 on goals and objectives back to the table for discussion. It was modified by friendly amendment as shown below.

Motion 1A (McKenzie/Gibson): Move that the Committee recommend the Council adopt the following as goals and objectives for the coral amendment:

- 1. Reduce the impacts of fishing gear on deep sea corals in the New England region to the extent practicable;**
- 2. Protect vulnerable deep sea corals and their ecosystems while considering the operational needs and long term sustainability of the existing commercial fisheries;**
- 3. Provide appropriate management for Coral Habitat Areas of Particular Concern;**
- 4. Use the best available science to identify and confer strong protections for those areas known to be deep-sea coral, including the canyons and seamounts offshore and areas within the Gulf of Maine inshore;**
- 5. Increase public awareness of the importance and sensitivity of deep-sea corals and their ecosystems; and**
- 6. Provide a coordinated management regime for the conservation of deep-sea corals and their ecosystems.**

Dr. McKenzie reiterated an earlier comment that explicit goals and objectives would be easier to measure against when evaluating the outcomes of the amendment.

Mr. Stockwell, commenting for Maine DMR, was in support of amending the language to remove references to minimal fishing effort, but in general was in opposition, indicating that the motion was unnecessarily detailed. He emphasized that there are thousands of lobster traps fishing in the eastern Maine, such that impacts to that industry would be substantial should the areas be closed to that gear type.

Mr. Reid asked if the intention with the numbering was to rank the listed item in priority order. He commented that in terms of freezing the footprint, you accomplish this by eliminating future expansion of impacts, not limiting current fishing operations.

Mr. Balzano noted that he was in support of the mission statement established by the Mid-Atlantic Fishery Management Council, as described in the purpose and need section of their amendment document.

Mr. Borden felt it might be useful to have the Committee table this motion, to allow for further refinement prior to the next meeting.

Mr. Alexander argued that the goals should be more generalized, to allow flexibility in the development of this action. He also noted that the New England Fishery Management Council does not regulate squid fishing, but the revenue maps indicate that impacts to that fishery could be substantial.

Mr. Gibson commented that he felt defined goals and objectives were important to provide accountability.

Ms. Etrie provided a motion to substitute:

Motion 1B (Etrie/Kaelin): The New England Fishery Management Council coral amendment purpose and need statement³:

The purpose of this amendment is to identify and implement measures that reduce to the extent practicable, impacts of fishing gear on deep sea corals in the New England region. The measures, or some subset of the measures, developed in the amendment are necessary to protect valued deep sea corals and their dependent ecosystem components while also considering the operational needs and long term sustainability of commercial fisheries. Primarily, the Council is utilizing its discretionary authority under Section 303(b) in MSA.

Deep sea corals are fragile and slow-growing organisms that are highly vulnerable to various types of disturbance of the sea floor, including fishing activities. Corals are valued for their habitat, ecosystem, cultural, and other values, yet remain largely unprotected from human disturbance in the New England region. Research on commercial fishing gear impacts to deep sea corals indicates that fishing gear can damage corals in variety of ways, including scarring, breaking, smothering, or complete destruction. At the same time, the importance of value of commercial fisheries that operate in or near areas of deep sea coral habitat is recognized by the Council. As such, measures in this amendment will be considered in light of their benefit to corals as well as the cost to commercial fisheries. This amendment contains alternatives that aim to protect corals by restricting fishing in select areas where fishing effort and prime coral habitats overlap, as well as by restricting expansion of effort into less heavily fished areas where corals are known or are highly likely to be present.

The Committee discussed working on both motions and then selecting between them. Dr. McKenzie indicated that item 1 on Motion 1A might be a redundant statement, and that he would be willing to accept an additional friendly amendment to remove that item. Mr. MacDonald commented that it would be appropriate to work on both motions to perfect them, before any voting. The chairman indicated that he felt it was more appropriate to perfect and vote on the underlying motion, and then consider the substitute.

Ms. Etrie withdrew the substitute motion, 1B.

Motion 1A, as modified by friendly amendment, failed on a show of hands, 3/6/3.

Ms. Etrie then made her motion again, as a new motion:

Motion 2 (Etrie/Kaelin): New England Council coral amendment purpose and need statement⁴:

The purpose of this amendment is to identify and implement measures that reduce to the extent practicable, impacts of fishing gear on deep sea corals in the New England region.

³ Note that a purpose and need statement has a very specific meaning per NEPA and should ideally developed by staff in collaboration with GARFO NEPA staff. This language would more appropriately be considered a problem statement.

⁴ See footnote 3.

The measures, or some subset of the measures, developed in the amendment are necessary to protect valued deep sea corals and their dependent ecosystem components while also considering the operational needs and long term sustainability of commercial fisheries. Primarily, the Council is utilizing its discretionary authority under Section 303(b) in MSA.

Deep sea corals are fragile and slow-growing organisms that are highly vulnerable to various types of disturbance of the sea floor, including fishing activities. Corals are valued for their habitat, ecosystem, cultural, and other values, yet remain largely unprotected from human disturbance in the New England region. Research on commercial fishing gear impacts to deep sea corals indicates that fishing gear can damage corals in variety of ways, including scarring, breaking, smothering, or complete destruction. At the same time, the importance of value of commercial fisheries that operate in or near areas of deep sea coral habitat is recognized by the Council. As such, measures in this amendment will be considered in light of their benefit to corals as well as the cost to commercial fisheries. This amendment contains alternatives that aim to protect corals by restricting fishing in select areas where fishing effort and prime coral habitats overlap, as well as by restricting expansion of effort into less heavily fished areas where corals are known or are highly likely to be present.

Ms. Etrie's rationale was that she felt the goals should be more generalized. In addition, she wanted to provide guidance to the Plan Development Team as they analyze these areas.

Public Comment:

Ms. Odell suggested the Committee allow the public to consider this motion during a break. Dr. Quinn responded that he would like to continue discussion.

Ms. Fuller asked how this language different from the Mid-Atlantic coral amendment, and whether this would replace the current language in the purpose and need section (i.e. one sentence in document), and it was agreed that it would.⁵ She was in favor of the motion.

Ms. Lapp did not support the motion, arguing she feels it is more appropriate to restrict expansion of fishing, versus restricting existing fishing efforts.

Mr. Grout and Mr. Reid made a motion to table, which carried unanimously on a show of hands.

Next, a series of motions were made on the coral zones recommended by the Plan Development Team.

⁵ Following the meeting staff discussed with GARFO NEPA that it would be better to develop a more generalized purpose and need statement that does not inadvertently restrict the actions of the Council. This type of problem statement could be used in conjunction with a more generalized purpose and need statement, and also in combination with more specific objectives.

Motion 3 (Grout/Alexander): Recommend that the Council adopt revised boundaries for analysis for the following twelve canyon zones already under consideration in the coral amendment: Alvin, Veatch, Hydrographer, Welker, Heel Tapper, Oceanographer, Gilbert, Lydonia, Powell, Munson, Nygren, and Heezen.

Motion 3 carried 8/2/1 on a show of hands.

Motion 4 (Grout/McKenzie): Recommend that the Council add the following eight canyon zones for analysis in the coral amendment: Atlantis, Nantucket, Dogbody, Clipper, Sharpshooter, Filebottom, Chebacco, and an unnamed canyon between Nygren and Heezen.

Motion 4 carried 8/2/1 on a show of hands.

Motion 5 (Grout/Gibson): Recommend that the Council adopt the revised deep-sea coral zones in Jordan Basin.

Motion 5 carried 5/3/3 on a show of hands.

Motion 6 (Grout/Gibson): Recommend that the Council add the Outer Schoodic Ridge and Lindenkohl Knoll zones for analysis in the coral amendment.

Motion 6 carried 6/4/1 on a show of hands.

Mr. Alexander made a motion to change the framework provisions in the amendment. The language about “removal of coral zones” was added at Mr. Grout’s suggestion, by friendly amendment.

Motion 7 (Alexander/Balzano): Add adoption of coral zones, removal of coral zones, and revision of coral zone boundaries to the list of frameworkable provisions in the amendment, consistent with the MAFMC’s approach.

Motion 7 carried 8/1/2 on a show of hands.

Public comment:

Gib Brogan (Oceana) asked how new information would be treated by the Council. For instance, if a scientist documents presence of new corals, how can the Council ensure this information would be considered? He acknowledged that the framework provisions section of the amendment might not be the best place for this issue to be addressed.

Ms. Bachman responded that the Deep-Sea Coral Research and Technology Program, which is explicitly mentioned in the Magnuson-Stevens Act, may be the appropriate conduit for new information about coral habitats to flow to the Council. She reiterated that each of the discrete zones recommended by the PDT and referenced in the motions above have direct observations of corals.

FINAL

The Committee adjourned for lunch until 1:45 p.m. Upon their return, they received a presentation on the Northeast Regional Ocean Plan.

AGENDA ITEM #2: NORTHEAST REGIONAL OCEAN PLAN BRIEFING (BETSY NICHOLSON AND EMILY SHUMCHENIA)

Ms. Nicholson and Ms. Shumchenia provided a summary of the Northeast Regional Ocean Plan, including related data products. The ocean planning process stems from Presidential Executive Order 13547 (July 2010): National Policy for Stewardship of the Ocean, our Coasts, and the Great Lakes. The plan does not propose management measures directly, but rather, provides data and best practices aimed at improving coordination within and outside federal agencies on issues of regional ocean management. Under the plan, agencies will continue to manage ocean resources under existing authorities.

A major part of the plan is assembly and maintenance of many types of data that cover the natural environment and an array of human uses. Agencies have committed to updating their data contributions on an ongoing basis. For example, vessel monitoring system data will be updated on an annual basis by NOAA Fisheries. Ms. Shumchenia provided an overview of marine life database products, which include marine mammals, marine sea birds, marine sea turtles, and marine fish. The plan also includes science and research priorities.

The full Council will receive a similar presentation at the April 19-21, 2016 meeting.

AGENDA ITEM #1: DEEP-SEA CORAL DISCUSSION, CONTINUED

Motion 2 was brought back to the table for further discussion. Mr. Alexander made a motion to substitute:

Motion 2A (Alexander/Balzano): The Council is utilizing its discretionary authority under Section 303(b) in MSA to identify and implement measures that reduce, to the extent practicable, impacts of fishing gear on deep sea corals in New England. This amendment contains alternatives that aim to identify and protect concentrations of corals in select areas and restrict the expansion of fishing effort into areas where corals are likely to be present.

Deep sea corals are fragile, slow-growing organisms that play an important role in the marine ecosystem and are vulnerable to various types of disturbance of the seafloor. At the same time, the importance and value of commercial fisheries that operate in or near areas of deep sea coral habitat is recognized by the Council. As such, measures in this amendment will be considered in light of their benefit to corals as well as their costs to commercial fisheries.

Mr. Alexander indicated that his intent was to simplify Ms. Etrie's motion, and exclude the reference to fishing gear impacts.

Committee discussion:

Dr. McKenzie suggested that Mr. Alexander's recommended language is more vague than the original motion made by Ms. Etrie, and Mr. Grout and Mr. Gibson agreed that they had similar concerns. Mr. Kaelin also supported the underlying motion, rather than the substitute motion.

Public comment:

Ms. Fuller spoke in opposition of this motion and in favor of the underlying motion. She argued that while short-term economic are readily quantified, the impacts to corals are less easily evaluated, and remain an important part of the purpose of the amendment.

Ms. Lapp spoke in favor, and felt that the language suggested by Mr. Alexander is closer to the Mid-Atlantic Fishery Management Council's approach to deep sea coral protection, which she argued was ultimately a freeze the footprint approach, despite this language not being a part of their purpose and need. She felt the language in this motion was closer to the MSA.

Mr. Williamson indicated that it was important in the broader ocean management and potential marine national monument discussion that the Council send a message that they are serious about coral protection.

Ms. Odell spoke in favor of the substitute motion, because the reference to gear impacts was removed, and she felt it was not appropriate for the amendment objectives to include such language. She argued that the key elements of the underlying motion remain.

In response to a question, Ms. Bachman confirmed that there will be additional opportunities to revise the boundaries for all coral zones before the amendment is finalized and put out to the public for hearings/comment.

Motion 2A to substitute carried 5/3/3 on a show of hands. The main motion as substituted carried 8/1/2 on a show of hands.

AGENDA ITEM #3: CLAM DREDGE EXEMPTION FRAMEWORK

Ms. Bachman provided an update on the clam dredge exemption framework, which is a trailing action to OHA2 that will consider possible exemptions for clam dredge gear within two of the proposed habitat management areas (HMAs). In late November, the Habitat PDT met to discuss data available to support the amendment. The team agreed that it would be important to gather additional information beyond what was analyzed during the final stages of OHA2 development, otherwise it would likely be difficult to make progress. Two additional sources of data are in development. The Science Center for Marine Fisheries has funded a compilation of data related to the federal clam survey, specifically digitization of older haul logs that were previously paper-copy only, and analysis of recent haul logs that were already in digital format but never analyzed in any detail. The datasets will include information about substrate caught during survey tows, locations where surfclams were present vs. absent, and information about tows that could not be completed. A possible additional component of this data collection project that would digitize the

tow paths recorded by the fishing industry during their operations, so that that the data can be used in GIS analysis. In addition, there have been discussion about completing some clam survey tows in the northern part of the proposed Great South Channel HMA, which appears to be an important fishing ground in recent years, but is not within the strata currently surveyed. The PDT is also evaluating data from the School for Marine Science and Technology video survey, which covers both the Great South Channel and Georges Shoal HMAs. While the video survey database, primarily the substrate information, was used during OHA2, additional detail on sediment distribution and presence of epifauna are available that would allow the PDT to characterize the two HMAs in greater detail. This may include re-analysis of the images collected in the survey.

Public comment:

Joe Myers (BumbleBee Foods) expressed his company's commitment to sustainability, and noted that a Saltonstall-Kennedy proposal had been submitted to survey the Great South Channel area. He stated that the company was committed to doing the work necessary to complete this management action.

AGENDA ITEM #4: HABITAT RESEARCH PRIORITIES

Finally, Ms. Bachman summarized the habitat-related multi-year Council research priorities for 2016-2020 (document 8). To create this document, the Habitat PDT reviewed and edited the existing priorities, and worked with the scallop Plan Development Team to compile the list related to scallop-related habitat work.

Committee discussion:

Mr. Alexander suggested using HABCAM in the canyon areas. Ms. Bachman responded that a lot of the work has been done with TowCam, which is a similar camera sled system. In general, the PDT will work to make better use of HABCAM data in management, as appropriate.

Mr. Kaelin asked whether the existing research priorities have been evaluated to see whether work towards those priorities had been completed and funded, and also whether the information proved useful for management. Ms. Jacob indicated that such an evaluation was a work in progress, and showed the Committee a draft document that would organize exactly this type of information for Committee and Council use.

The meeting adjourned at approximately 3:30 p.m.