



New England Fishery Management Council

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MEETING SUMMARY

Habitat Plan Development Team

Hyatt Place Hotel, Braintree, MA

Wednesday, March 11, 2015

The Habitat Plan Development Team (PDT) met on March 11, 2015 in Braintree, MA to address tasks identified by the Habitat Committee during its meeting on February 24, 2015.

MEETING ATTENDANCE: M. Bachman, M. Jacob (NEFSC Staff); P. Auster (Univ. of Connecticut); K. Ford (MA DMF); G. DePiper and A. Henry (NEFSC); M. Kelly, D. Stevenson, and K. Richardson (NMFS GARFO); P. Valentine (USGS). In addition, approximately 10 members of the public attended, including David Wallace, David Preble, Jud Crawford, Drew Minkiewicz, Tom Slaughter, Ron Smolowski, Dave Borden, and 4 others.

KEY OUTCOMES:

- The PDT will continue to investigate the possibility of clam dredge exemption areas using fishery and environmental data.
- The PDT will evaluate winter flounder distribution in trawl (and possibly seine) surveys to determine the best way to revise the EFH designation towards the southern extent of the species' range.
- The PDT discussed the realized Z-scores/realized adverse effects estimates in detail, and concluded:
 - These estimates should be considered with caution because their distribution is dependent on fishery resource distribution, existing closed areas, and other existing and past regulations;
 - In evaluating potential habitat management areas, it is important to consider how fishing effort might redistribute if new areas are designated, in order to understand net benefits across the entire region;
 - The SASI model used to generate these estimates does not explicitly differentiate between existing closures where recovery may have occurred and currently open areas, except through differences in area swept.
 - Given these and other caveats, updating the realized Z-scores to include additional years of data is likely not worth the effort.

- However, these scores are useful for understanding generally where fishing impacts to EFH have accrued in the past, and where redistribution of effort would be more substantial if a new area was closed via this amendment.
- The PDT will include more information in the FEIS on prey species distribution and the impacts of fishing gears on prey.
- The PDT will list and review analyses and scientific information cited within the comments for the FEIS, with the primary objective of identifying information that is relevant to decision making.

AGENDA ITEM #1: Summary of comments spreadsheet

Staff presented a table that gives a rough accounting for how many individuals support or oppose particular alternatives. This was a request made by the Habitat Committee on February 24, 2015. The PDT generally thought this was a useful product.

AGENDA ITEM #2: Hydraulic clam dredge exemption areas

The Habitat Committee requested that the PDT identify candidate hydraulic clam dredge exemption areas within habitat closures. The general intention was to identify areas with high energy sand that are currently fished with clam dredges, generally on Nantucket and Georges Shoals. The fishery also operates on Cultivator Shoals but this is west of the proposed habitat closure boundaries. Currently, the OHA2 DEIS includes a blanket exemption option (Option 2) for this gear type, whereas the exemption area approach would consider specific sub-areas where dredging for clams would be permitted, with the rest of the habitat management area off limits to the gear. It was noted that the Swept Area Seabed Impact model assumes that clam dredges can fish in sand and granule-pebble-sized sediments.

In theory, it should be possible to identify high energy sand habitats where clam fishing occurs that can be developed into reasonably sized and shaped exemption areas. However, there are a number of reasons why this has proven difficult to do. Thus, while the PDT explored the issue further at their meeting, there was little resolution. First, sand vs. granule-pebble vs. larger gravel (cobble or boulder) habitats are patchily distributed and do not lend themselves to straightforward exemption areas. Second, clam fishing effort appears to be very broadly distributed, with only a small subset of areas identified where fishing is not really feasible. The clam dredge industry provided a chart before the meeting, and attendees from that industry provided some explanation of this chart to the PDT. Basically, they identified broad areas where fishing occurs, and also identified sub-areas where fishing would be prohibited. The PDT discussed that this was actually the opposite of the Committee request to identify exemption areas where fishing would be allowed.

The PDT asked the industry to identify key fishing areas and to continue work to identify closure areas. The idea was that if we understood where both the most important fishing areas and the impossible to fish areas within habitat management areas were located, that exemption area

boundaries could be developed more easily. There was some discussion of VMS fishing effort data, and NEFSC staff agreed to look into whether or not clam VMS data had been processed for fishing/not fishing. If so, these data could be used to confirm that fishing locations reported by industry members.

AGENDA ITEM #4: Essential Fish Habitat (EFH) designations

Winter flounder: The PDT considered how to refine the Essential Fish Habitat designation for winter flounder, with a focus on the egg life stage. There was concern that the footprint of the designation not be reduced too much, given the status of the Southern New England stock. Specifically, if habitats are likely to be re-occupied at some point in the future, it makes sense to designate them. On the other hand, designation of habitats that will never be suitable for spawning and egg settlement and hatching does not provide any useful conservation benefits. The PDT will analyze data from trawl and possibly seine surveys to refine the designation in the southern part of the species' range. If habitat is not suitable for winter flounder eggs, then the PDT agreed that dredging should be allowed. The PDT discussed that the text description has already been updated to include information about sedimentation rates.

Atlantic Cod: The PDT discussed that there is a disconnect between the text description, which has no minimum depth, and the offshore component of the EFH map, which has a minimum depth of 30 meters. The issue is most obvious in the Nantucket Shoals/Great South Channel region, where areas inshore of the NMFS trawl survey area designated based on state survey data. It would be more consistent with the text description to eliminate the minimum depth for offshore/NMFS trawl survey areas. This would affect the Great South Channel juvenile cod HAPC designation as well as the EFH map.

Atlantic Sea Scallop: The scallop PDT suggested bringing back some of the information about salinity, temperature, etc. from the No Action text description. The Habitat PDT agreed that this would make sense. The PDT also discussed clipping the scallop EFH map at 110 meters.

AGENDA ITEM #4: Comparing OHA2 Spawning Alternatives with the NE Multispecies Framework 53 Cod Protection Areas

The Habitat Committee tasked the PDT to evaluate whether spawning alternatives in OHA2 in combination with Framework 53's cod protection measures meet the goals and objectives of OHA2 to improve spawning protection. If the cod protection measures in the framework are approved (currently there is a proposed rule), then they would alter the No Action alternative for OHA2, because the framework modifies the rolling closures, which comprise part of the current OHA2 No Action alternative. Staff described Groundfish PDT analyses related to this issue in Appendix II to Framework 53.

Similar to OHA2, Framework 53 designates a fall/winter spawning closure within 30-minute blocks 124 and 125. However, the cod protection measures in the framework eliminate the April

rolling closure. The proposed rule raises concerns about impacts to the spawning activity of other groundfish stocks if the April closure is eliminated. In addition, because the spring and winter spawning components are separate, it is not clear that increases in protection during one season can be used to balance out decreases in protection during another one. Staff will summarize the issues to help the Committee evaluate the tradeoffs for other groundfish species, particularly those species that experience peak spawning activity in April (haddock, winter flounder, and yellowtail flounder).

AGENDA ITEM #5: Lobster/scallop issue in Closed Area II

The Habitat Committee tasked the PDT to evaluate whether additional analyses are necessary in order to address the concerns raised by the lobster industry and managers if Closed Area II is re-opened to scallop fishing as a result of OHA2. In general the PDT did not feel that there was much else to say on the topic, although they agreed that there was some information provided in the comments that could be used to improve the discussion for the FEIS. Representatives for both industries agreed that if the timing issues could be settled, then a gear agreement could be agreed to. In particular, there are concerns for egg-bearing female lobsters in summer, seasonal variations in scallop meat yield, and seasonal fish bycatch closures. Combining a possible spring spawning closure, delayed issuance of scallop specifications, the timing of high egger abundance, and the fall bycatch closure, this leaves a very short window for scalloping.

AGENDA ITEM #6: Realized adverse effects estimates

The PDT considered the possibility of updating the dataset for the SASI realized z-scores (adverse effects, currently available for 1996-2009) help to inform the Committee when they consider recommendations for habitat management alternatives. This information was summarized in the affected environment section of the DEIS (Volume 1) using maps, graphs, and tables, by gear type over time. The PDT had a robust discussion of this issue prior to, during, and after the meeting. Team members disagreed about exactly how useful the estimates were in understanding the relative benefits associated with different habitat management areas. Some members felt that it was important to understand past levels of impacts in a candidate closure, in order to know what benefits might be realized if an area were to close. The idea was that you could potentially realize more benefits from closing an area that had seen greater impacts and fishing effort in the past. The counter argument to this is that if consistently fished areas are closed, then there is greater potential for effort displacement to other habitats. Given the interconnectedness of areas within and among sub-regions, it is important to think about net effects on a region-wide basis.

Additionally, these estimates should be considered with caution because their distribution is dependent on fishery resource distribution, existing closed areas, and other existing and past regulations. Thus, the past distribution of adverse effects cannot be taken at face value. Also, a point previously raised during discussion of the SASI model was reiterated here. Specifically, the

does not explicitly differentiate between existing closures where recovery may have occurred and currently open areas, except through differences in area swept.

However, the PDT agreed that given the large number of caveats about the interpretation of these results, data through 2009 would be sufficient to understand the general distribution of habitat impacts throughout the region. They agreed that updating the data set to include additional years of data would be interesting, to see more recent trends, but was not going to be worth the effort required to do so. The team discussed that updating the estimates would require a few weeks of someone's time at the NEFSC SSB.

AGENDA ITEM #7: Prey Species Information.

Appendix B (Volume 5) of the DEIS includes information on the prey species consumed by each managed species, including which are most important, i.e. most commonly consumed by weight. This is based on the NEFSC food habits database. Understanding the potential vulnerability of infaunal prey is also important. This information was included in an appendix that was drafted but not included with the DEIS. The appendix will be reviewed, updated if needed, and included with the FEIS. Also during the first phase of this amendment, the PDT produced a series of prey species maps. During development of the recent DEIS document, NEFMC/GARFO staff felt that the maps were not especially informative, given that they show a broad distribution for most prey types, but other PDT members suggested that they should be included with the FEIS. Discussions of predator/prey relationships will continue to come up through the ecosystem-based fisheries management process.

AGENDA ITEM #8: Evaluation of scientific information in public comments

The PDT will evaluate scientific information referenced in public comments to determine whether it is important for decision making and/or should be incorporated into the FEIS for completeness. At the time of the meeting, a list of such information had been generated, with items flagged as used in the development of the DEIS or not. Following the meeting, the list will be divided out to individual members, and the team will review the information as a group, likely via a conference call. This is a fairly significant undertaking, since the initial list contained a few hundred items, but the PDT will evaluate as much of the information as possible prior to the April Council meeting.

AGENDA ITEM #9: Analysis of modified alternatives

New alternatives recommended in the public comments include a shift in the boundary to the west within the Western Gulf of Maine closure. Framework 48 analysis speaks on this matter, and the PDT will summarize this information. The Plan Development Team will also consider the conservation benefits of Jeffreys Ledge and Stellwagen Small alone, without the smaller Bigelow Bight HMA. The PDT discussed that separating out decisions about the Cox Ledge areas from the Great South Channel/Nantucket Shoals areas did not influence the impacts

associated with the areas, but agreed that it might be useful for discussion purposes to consider the two sets of areas separately.