



New England Fishery Management Council

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

John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

MEETING SUMMARY

Habitat Plan Development Team

March 3, 2021

10:00 – 11:05 a.m.

Agenda

The PDT discussed a potential habitat management action for the Northern Edge of Georges Bank predicated upon the disapproved measures in the Omnibus Habitat Amendment 2 (OHA2). The suggestions and recommendations discussed during the meeting will be brought to the joint Habitat AP and Committee on March 9, 2021.

Background

In October 2020, the Council adopted the following 2021 priority:

“To assess the possibility of and, if possible, develop an action to revise Habitat Management Areas on Northern Edge of Georges Bank.”

During the development of Omnibus Habitat Amendment 2, the Council recommended changes to habitat and groundfish closures on Georges Bank, including Closed Area I (CAI), Closed Area II (CAII), and the overlapping habitat closures. Council recommendations to remove Closed Area II as a year-round groundfish closure and replace the Closed Area II Habitat Closure with three new habitat management areas were disapproved by NOAA Fisheries. These proposed areas included the Georges Shoal HMA, the Northern Edge Mobile Bottom-Tending Gear Closure HMA, and the Northern Edge Reduced Impact HMA. Other elements of the Council’s OHA2 recommendations for Georges Bank were approved, including the designation of CAII as a spawning closure from February 1 – April 15. This spawning closure designation will not be revisited under this action. In addition, groundfish CAI was made seasonal (also February 1 – April 15), the CAI northern and southern habitat closures were eliminated, and the southern part of CAI was made a Dedicated Habitat Research Area. See the April 9, 2018 final rule for more information: 83 FR 15242-15243.

Initial work in 2021 is focused on recapping salient information from OHA2 (effective in 2018), what decisions were made and why, and evaluating new habitat and species information and data that can be brought forward to the Committee, so that then can provide a recommendation to the Council about whether or not to move forward with an action to adjust habitat management measures for the Northern Edge. A Council discussion about whether to initiate an action would likely occur during fall 2021.

Meeting attendance

PDT members included Michelle Bachman (Chair), Peter Auster, Sharon Benjamin, Jessica Coakley, Jenny Couture, Geret DePiper, Rachel Feeney, Kathryn Ford, Moira Kelly, Julia Livermore, Dave Packer, Dave Packer, Page Valentine, Alison Verkade, and Carl Wilson. Additional Council staff included Sam Ascì and Jonathon Peros.

AP members included Jeff Kaelin and Drew Minkiewicz. Committee chair Eric Reid and Vice-Chair Libby Etrie also attended. Other attendees included Erica Fuller, Melanie Griffin, Alison Lorenc, and Kelly Whitmore.

Discussion

Ms. Bachman provided some context (see background, above) and additional information on the habitat measures disapproved by NOAA Fisheries. One PDT member asked if any legal considerations have changed since OHA2. Ms. Bachman explained that NOAA has not provided any additional guidance on interpreting adverse effects minimization requirements in the Magnuson Stevens Act beyond the 2002 EFH regulations¹. The Habitat PDT will need to think through what constitutes sufficient adverse effects minimization (considering, among other factors, the HAPC designation on the northern edge), explore relevant changes to managed species in the area (cod stock structure, herring spawning, scallop biomass), and consider new research which could result in a different Council recommendation or NOAA Fisheries decision. OHA2 evaluated many different alternatives and these could be reconsidered or altered during the assessment of this potential action. The goal in developing information for the Committee is not to reinvent the wheel with work that has already been completed, but to recap and then build on that work with new information. This initial phase is not expected to include potential alternatives and analysis of those alternatives but would likely include a review of new information and a discussion about if there could be an appropriate level and schedule of fishing effort to minimize adverse impacts via rotational management. If indeed this is the case the review could serve as the foundation to evaluate tradeoffs. It is possible that this level and schedule might restrict fishing to a point where Council decides the action is not worth pursuing.

PDT members discussed the scope of this potential action. The intent is to focus on Georges Bank, and Ms. Bachman commented that identifying an overall spatial area to bound the evaluation would be helpful. Also, she indicated that her understanding is that the alternatives that could be considered in this potential action do not need to be limited to only the specific spatial management areas and measures recommended via OHA2, such that this initial phase can take a step back from the Council's preferred OHA2 alternative to consider information for eastern Georges Bank more generally. It might be useful to put some of this information into a broader regional context, to the extent that this informs the Council's decision about undertaking an action.

Some additional discussion of the OHA2 final rule and why these measures were disapproved should occur at a future meeting. The disapproved measures of OHA2 did not fully specify the frequency and intensity of fishing in the area with rotational scallop dredging, and thus NOAA could not effectively determine how the measures would minimize the adverse impact to habitat.

¹ https://s3.amazonaws.com/nefmc.org/efhfinalrule_190910_164422.pdf

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In addition, NOAA raised concerns about the inconsistency between the Council's designation of the area as an HAPC, indicating that the area is important to managed species and vulnerable to fishing impacts, while allowing fishing activity with undefined frequency and intensity.

Audience and Advisory Panel member Drew Minkiewicz brought up Scott Gallagher's before-after-control-impact (BACI) study, which he said showed little evidence of habitat disturbance from scallop dredging on different types of habitat. Mr. Minkiewicz expressed confusion on why the PDT is discussing this action on a broader scale given the study finding and Council's previous guidelines that the action would likely be approved if more concrete parameters re-intensity and frequency of scallop fishing and the impacts thereof are included.

The PDT noted that they had received a presentation on this work previously, and that they had asked Dr. Gallagher for additional information. The project methods were summarized very briefly during the call. The PDT did not discuss the results in any level of detail during the call, however the group disagreed with Mr. Minkiewicz's characterization of habitat disturbance, based on the earlier presentation. Ms. Bachman clarified that the PDT is waiting on additional analyses to better understand the implications of the study. Mr. Peros noted that Dr. Gallagher provided a presentation to the scallop PDT and AP in May 2020, and the final RSA program report is already available. Dr. Gallagher's summary (second link below) provides a very high-level snapshot of the results.

- <https://s3.amazonaws.com/nefmc.org/12.b-Gallager-RSA-shareday-BACI-V2.pdf>
- <https://s3.amazonaws.com/nefmc.org/12.a-Gallager-Summary.pdf>
- <https://apps-nefsc.fisheries.noaa.gov/coopresearch/pdfs/FR16-0045.pdf>

The Committee Chair expressed desire to learn from OHA2 but to not repeat work. New information, especially recovery rates, will be important to determine if there are areas that can be fished without negative habitat impacts. These areas could be areas of low scallop biomass or in an area too small and unsafe for the dragger fleet, however. Ms. Bachman emphasized that the PDT could consider a broader scope beyond existing habitat boundaries originally included in OHA2 and that at this stage, she intended to provide an informational product, which could include an updated description on the vulnerability of habitats, habitat recovery rates, and possible parameters for scallop rotational fishing frequency and intensity. This could include any updated understanding of which species are benefiting from the HAPC designation, including cod. A couple of PDT members recommended considering habitat resilience when evaluating the results of the BACI study, e.g., do short- or long-lived benthic species (including structure-forming taxa) show evidence of recovery? From a managed species perspective, is the post-impact habitat functionally equivalent to unfished habitat?

The PDT also discussed that this potential action could be a framework or an amendment, with an Environmental Assessment or an Environmental Impact Statement, depending on various factors including the expected significance of impacts. Information, links, and other resources on OHA2 and more recent studies will be shared with the PDT in a centralized location (likely via Google Docs) to better accommodate document sharing and collaboration.

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Audience and Advisory Panel member Jeff Kaelin commented that Dr. Gallagher's study used their boats, and he appreciated the PDT's attention to the work. He felt that the discussion on this potential action should focus on the science and what is doable, not politics.

The meeting adjourned approximately at 11:05 am.