

Staff Presentation

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Habitat Advisory Panel
March 21, 2023
Via Webinar



9:05 am

Advisory Panel Policies

9:20 am

Atlantic Salmon Aquaculture Framework

Summary



- The Salmon FMP prohibits directed fishing and possession in federal waters and allows for authorization of salmon aquaculture via a framework action.
- Given these potentially contrasting objectives, the Council anticipates that this action will provide a clearer path forward for salmon aquaculture projects in federal waters.
- The Council approved goals and objectives in December, and the Habitat PDT and Committee have been working on drafting alternatives and analysis
- The Enforcement Committee reviewed the alternatives and provided input on March 15
- **The purpose of today's discussion is to review the draft alternatives and potentially recommend a preferred alternative to the Habitat Committee**

Framework Goals

Allow for the implementation of Atlantic salmon aquaculture projects through the adjustment of the management measures prohibiting the possession and harvest of wild Atlantic salmon in the EEZ.

If necessary, add or adjust management measures to ensure aquaculture projects in the EEZ are conducted in a manner consistent with the goals and objectives of the Atlantic Salmon Fishery Management Plan.

Framework Objectives (in brief)

1. Differentiate authorized possession of aquaculture raised salmon from unauthorized possession of wild fish to allow for enforcement
2. Ensure federal dealers can purchase farmed salmon
3. Identify and address monitoring concerns
4. Identify and address reporting concerns
5. Avoid duplication of other requirements
6. Develop a generic adjustment to the FMP that will apply to multiple projects going forward

Alternative 1: No Action

- The Council would not establish a specific authorization program for aquaculture operators to help ensure operational consistency with the Atlantic salmon FMP
- The Council would not establish any new reporting or monitoring requirements related to Atlantic salmon
- Possession of Atlantic salmon (wild and farmed) would remain prohibited in federal waters of the EEZ off the Northeastern US.
- Anyone possessing farmed salmon would be responsible for their own documentation to rebut the presumption that the vessel is in possession of prohibited fish (currently no Council/NOAA protocols)

Alternative 2: Authorize possession via Letter of Authorization, vessel & dealer permits & reporting

Possession of farmed salmon would be explicitly authorized consistent with conservation objectives of the salmon FMP

- Letter of Authorization to aquaculture project operator allowing authorized vessels to transport salmon within the EEZ
- Vessel & dealer reporting requirements for these vessels would enable NOAA and NEFMC to track harvest and landings so there is accounting of farmed salmon
 - eVTR each time salmon are transferred from farm to shore
 - Dealer reporting (2x/week)
 - Intended to be consistent with other FMPs
 - Current thinking is that dealers would not be issued an LOA

Alternative 3: Authorize possession via Letter of Authorization only

This is a subset of Alternative 2, LOA only

Possession of farmed salmon would be explicitly authorized consistent with conservation objectives of the salmon FMP

→ Letter of Authorization to aquaculture project operator allowing/identifying associated vessels authorized to transport salmon within the EEZ

Letter of Authorization details

- All aquaculture companies that need to possess salmon in the EEZ will be required to obtain an LOA from NOAA Fisheries (we assume this would be on an annual basis). Enforcement agencies could request the LOA from any vessel operators with Atlantic salmon on board to confirm authorized possession of farmed fish.
- The LOA should include the following information at a minimum:
 - Name of the aquaculture company,
 - Names/permit numbers of all vessels associated with the operation that might have salmon on board,
 - Location of the aquaculture operation (offshore facilities),
 - Permit numbers for the aquaculture operation,
 - Primary source of the farmed salmon,
 - Other species being farmed that might also be onboard the vessel, and
 - Point of contact for the project.
- The LOA could also include any other information as required by GARFO Regional Administrator.

When operating under an LOA:

- Vessel operators would be required to transfer fish in a manner consistent with this authorization. Specifically, containers holding Atlantic salmon need to be individually tagged. If salmon are the only species on board, and the vessel is therefore considered the container, then individual container tags are not needed.
- Vessel operators should maintain a logbook that estimates the volume of salmon transferred, date of the trip, fish disposition, and provides dealer transaction records.
- Vessel operators may not fish for or possess any other species, other than those identified on the LOA.
- No fishing gear may be on board when in possession of salmon – or – all gear is properly stowed in accordance with the definition of not available for immediate use (50 CFR § 648.2).



Need input on this!

Selling farmed salmon to dealers

- Under Alternative 2, salmon would need to be sold to a federal dealer, with a salmon permit, because the vessels have a federal permit
 - Consistent with other Council managed species
 - Could create an exception here, but the resulting inconsistency could cause confusion
- Who can buy salmon under Alternative 3, LOA only?
 - Catch could be sold to a state dealer
 - Catch could be sold to a federal dealer
 - Bill of sale would show the dealer purchased salmon harvested under LOA
 - LOA designed to rebut the presumption that any salmon caught in federal waters is prohibited
 - There is no such presumption for salmon at a dealer

Where do fishing vessels fit in?

- Fishing vessels not associated with an aquaculture operation should return any Atlantic salmon retained in their gear to the water.
- This includes any salmon that may have escaped from an authorized aquaculture operation, or any wild Atlantic salmon.
- Any Atlantic salmon interactions must be reported on VTRs.
- If fishing vessels are needed to assist with recapture of escaped salmon, they could be issued a short-term LOA by NOAA Fisheries for this purpose.

Question for Habitat AP, Committee

Option A. Should there be a requirement that fishing gear cannot be on board when a vessel is in possession of farmed salmon?

OR

Option B. Is it sufficient that gear be stowed and not available for use, per standard language in fisheries regulations?

Note: Option A seems easier from enforcement perspective but more restrictive to any fishermen who might be involved in servicing aquaculture operations. Would fishing vessels opt out if they need to remove gear, which is somewhat burdensome? It is not clear that aquaculture operators would be likely to use fishing vessels to transport fish, but it seems important to account for this possibility.

Enforcement CTE/AP Input for discussion

- Consider whether framework should differentiate between whole vs. processed salmon/salmon parts
 - Staff input: There is no regulatory minimum harvestable size for farmed salmon, so whole vs. processed probably doesn't matter, so long as vessel operator has LOA
- Consider specifying that fisheries enforcement officers can inspect aquaculture gear
 - Staff input: Fisheries enforcement officers would not have expertise in aquaculture gear configuration
 - Staff input: This may duplicate other permitting requirements, specifically, if EPA's NPDES permit had a condition regarding the aquaculture gear, EPA staff would have the authority to inspect the aquaculture gear

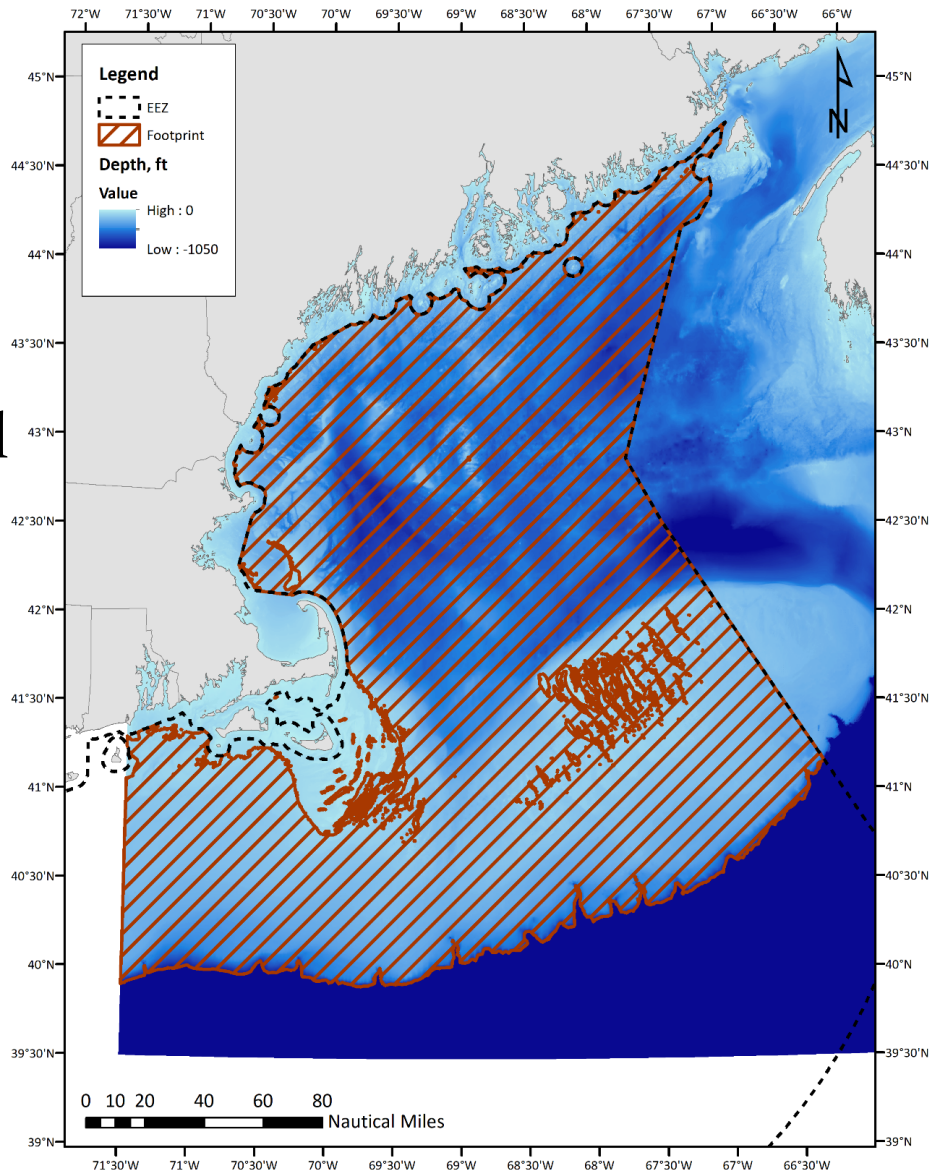
Enforcement CTE/AP Input for discussion

- Consider recommending that salmon can only be transported in individually tagged containers when fishing under the LOA (to improve traceability and enforceability)
 - Staff input: Purpose of the Council's action is to ensure that it is clear when fish are farmed, so that prohibition on possession of wild salmon can continue to be enforced
 - Staff input: Is container tagging really necessary for conservation of salmon under the FMP?
- Under Alternative 3, do fishing vessels servicing aquaculture facilities need to submit VTRs? What about VMS monitoring?
 - Staff input: Be consistent with existing requirements when fishing vessels are on the water but not fishing. Can have specific exemption from VTR requirements; declare out of fishery for VMS purposes but polling might still occur

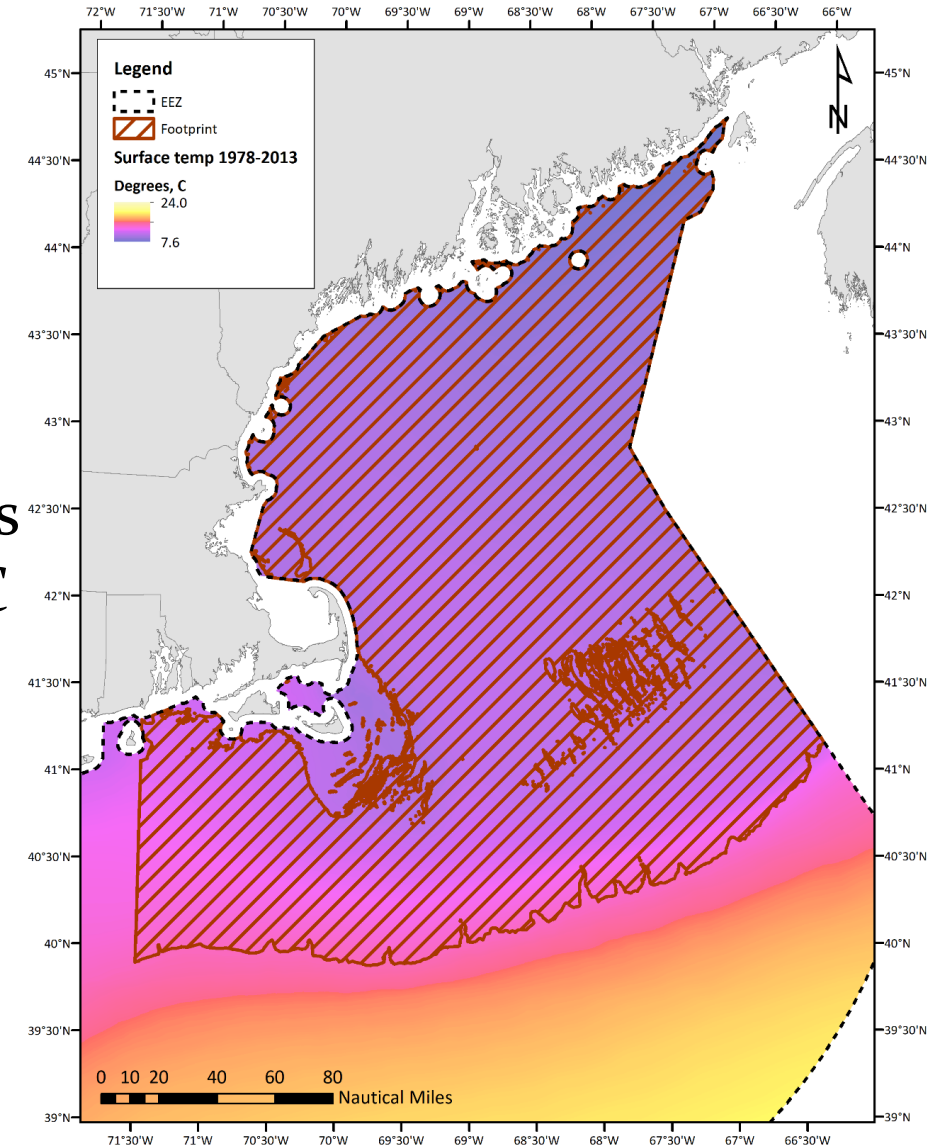
→ May need to clarify alternative

Spatial footprint where salmon aquaculture likely to occur

Based on
operational
depths of
100 – 1,000
feet



Based on
biological
constraints
of 6 – 25°C



How we determined impacts

- Framework is not implementing any specific aquaculture project
- Council's action may help facilitate aquaculture within EEZ, which could in turn have direct impacts on valued ecosystem components
- Analysis estimates any direct impact from framework provisions (e.g., additional administrative resources required) and suggests indirect impacts that might occur in the future as individual aquaculture projects are installed (e.g., disease, escapement, habitat alterations, fishing displacement, etc.)

Overall direct, indirect impacts

- Overall negligible to slight negative direct impacts from framework provisions that facilitate aquaculture
- Highly uncertain (negligible to highly negative) indirect impacts anticipated for individual projects
- Expect there could be cumulative impacts from multiple projects, however, the number, size, location of future projects are unknown and highly uncertain

Alternatives	Direct and Indirect Impacts				
	Atlantic Salmon	Other Managed and Ecosystem Component Species	Physical Env. and Essential Fish Habitat	Protected Species	Human Communities
Alt. 1: No Action	<i>Direct effects:</i> Slight negative to negligible <i>Potential future effects:</i> Highly uncertain, potentially neg.	<i>Direct effects:</i> Negligible <i>Potential future effects:</i> Highly uncertain, potentially neg.	<i>Direct effects:</i> Negligible <i>Potential future effects:</i> Highly uncertain, potentially neg.	<i>Direct effects:</i> Negligible <i>Potential future effects:</i> Highly uncertain, potentially negligible to highly negative	<i>Direct effects:</i> Negligible to slight negative <i>Potential future effects:</i> Highly uncertain
Alt. 2: Authorization via LOA, Vessel and Dealer Reporting	<i>Direct effects:</i> Negligible <i>Potential future effects:</i> Highly uncertain, potentially neg.	Same as No Action	Same as No Action	Same as No Action	Same as No Action
Alt. 3: Authorization via LOA	Same as Alt. 2	Same as Alt. 2	Same as Alt. 2	Same as Alt. 2	Same as Alt. 2

Salmon Aquaculture Framework Timeline

2022	
AUG	Committee discusses possibility of initiating Atlantic salmon framework action to authorize salmon aquaculture
SEP	PDT begins background work
SEP	NEFMC initiates Atlantic salmon framework action
OCT	PDT discusses scope of framework including background information and type of impact analyses required for action
NOV	Advisory Panel, Committee meet to discuss development of alternatives
DEC	Council update, PDT continues development
2023	
JAN	PDT and Committee meetings, Council update
FEB-MAR	PDT finishes drafting framework, Enforcement Committee review, Habitat Advisory Panel and Committee recommend a preferred alternative
APR	NEFMC final action
MAY	Formal submission
TBD	Target implementation



Today's Task

- Review and comment on alternatives, related background information, impact analysis
- Recommend a preferred alternative to the Habitat Committee (to discuss on 3/23)

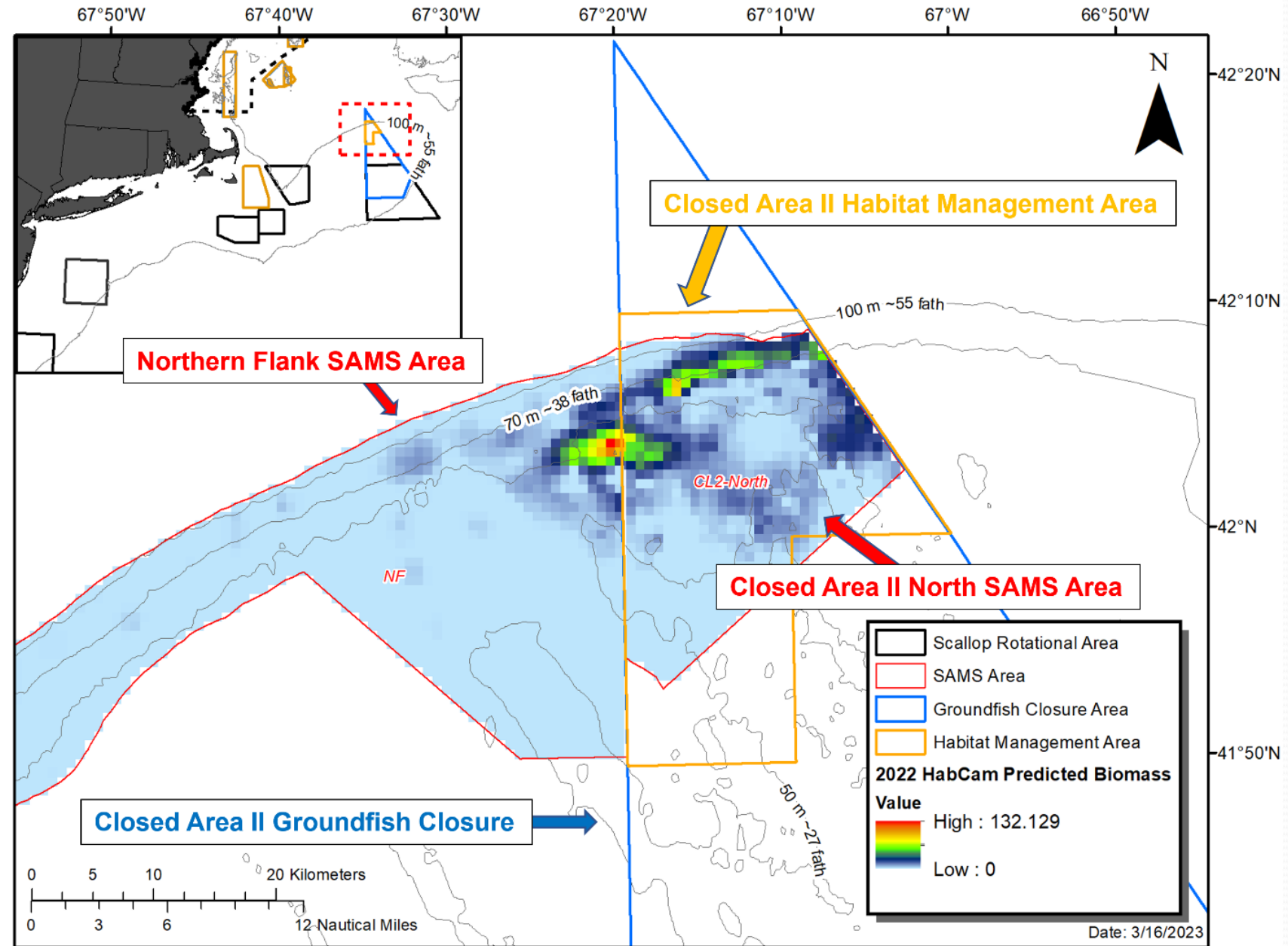
10:10 am
Northern Edge Habitat-Scallop
Framework

Today's Task and Next Steps

- Today: Review preliminary goal and objectives, suggest any edits to the Habitat Committee
 - Will also be reviewed by the Habitat Committee (3/23), Scallop AP (3/28), and Scallop Committee (3/29)
- April Council: Discuss and approve preliminary goals and objectives, possible initiation of action
 - Delay in approving goals and objectives will delay initiation of the action

“Northern Edge” Area

PDTs will refine a spatial footprint to inform alternative development, based on guidance from APs, CTEs, Council



Management areas on the Northern Edge

Areas	Implementation date, action	Gear or other restrictions
Closed Area II	Current boundaries established via Northeast Multispecies Amendment 5, Implemented year-round, 1994	Closed to gear capable of catching groundfish with some exemptions
Northern Edge Juvenile Cod Habitat Area of Particular Concern (HAPC)	Omnibus EFH Amendment 1, 1998	None (<i>HAPCs identify issues of concern during EFH consultations</i>)
Closed Area II Habitat Closure Area	Northeast Multispecies Amendment 13, 2003; Scallop Amendment 10, 2004	Closed to mobile bottom-tending gears, including bottom trawls, scallop dredges, clam dredges
Scallop Area Management Simulator Areas (SAMS), Northern Flank, Closed Area II North	Non-regulatory areas; updated periodically by NEFSC, with input from the Scallop PDT and groups who conduct scallop resource surveys	None (<i>Scallop resource summarized with respect to SAMS areas</i>)

Draft Goal

Develop a scallop rotational harvest program within and/or around the Closed Area II Habitat Closure Area (i.e., “habitat management area” or “HMA”) that minimizes adverse effects to vulnerable essential fish habitats and optimizes scallop yield.

Draft Objectives

1. Establish a scallop access area or areas. These area(s) may be located within and/or outside the existing Closed Area II Habitat Closure Area, including in areas that are currently open to the scallop fishery. Consider both the distribution of scallops and maintaining protection of habitats that are highly vulnerable to dredge fishing impacts and provide functional value for managed fishery resources.

Draft Objectives

2. Review current HMA boundaries and consider whether modifications are necessary.
3. Develop a scallop rotational harvest program, including the geographic extent, duration, and frequency of scallop dredge activity relative to habitat and recovery time on the Northern Edge.

Draft Objectives

4. Manage harvest from the Northern Edge scallop resource in the short- and long-term by considering the size distribution of scallops, seasonality of fishing with regard to meat yield, spawning potential, and fishing behavior.
5. Develop management area boundaries that are enforceable. This may include developing additional monitoring requirements specific to this area.

Draft Objectives

6. Accurately monitor and minimize bycatch of non-target species.
7. To the extent practicable, consider gear interactions including between scallop dredges and lobster traps.

NOTE: PDTs emphasized the importance of continued research in the HMAs; recommended Council consider future research needs for the HMA during action development

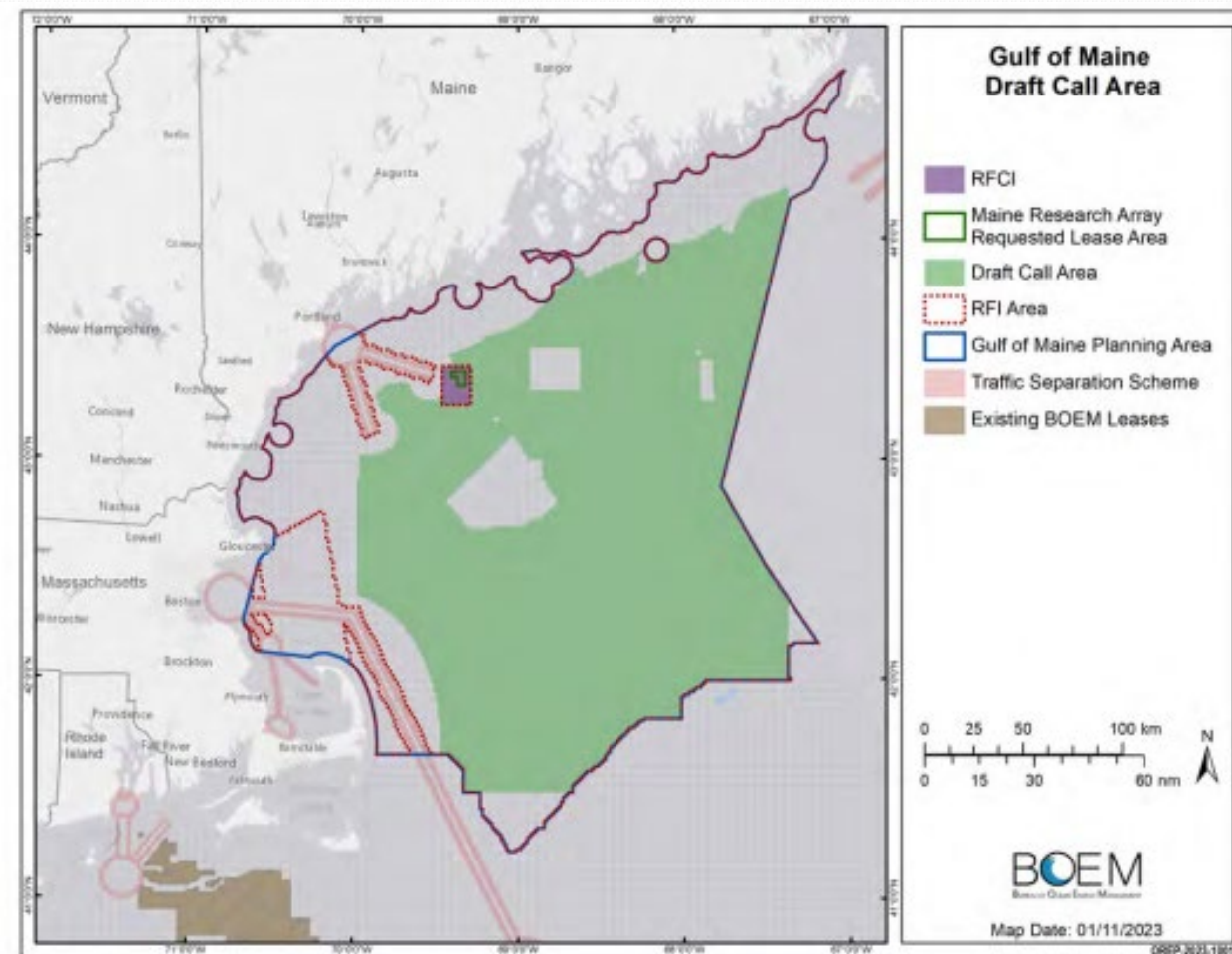
11 am

Recent coordination with BOEM, NOAA
re-offshore wind leasing in GOM

GOM Draft Call Area

Milestone*	Action	Target Date**
Publish Request for Interest	Publish RFI <i>45-Day Comment Period</i>	Q3 2022
Publish Call for Information & Nominations	Publish Call <i>45-Day Comment Period</i>	Q1 2023
Area Identification	Designate Wind Energy Areas (WEAs)	Q3 2023
Lease Sale	Proposed Sale Notice (PSN)	Q4 2023
	Final Sale Notice (FSN)	Q2 2024
	Hold auction	Q3 2024

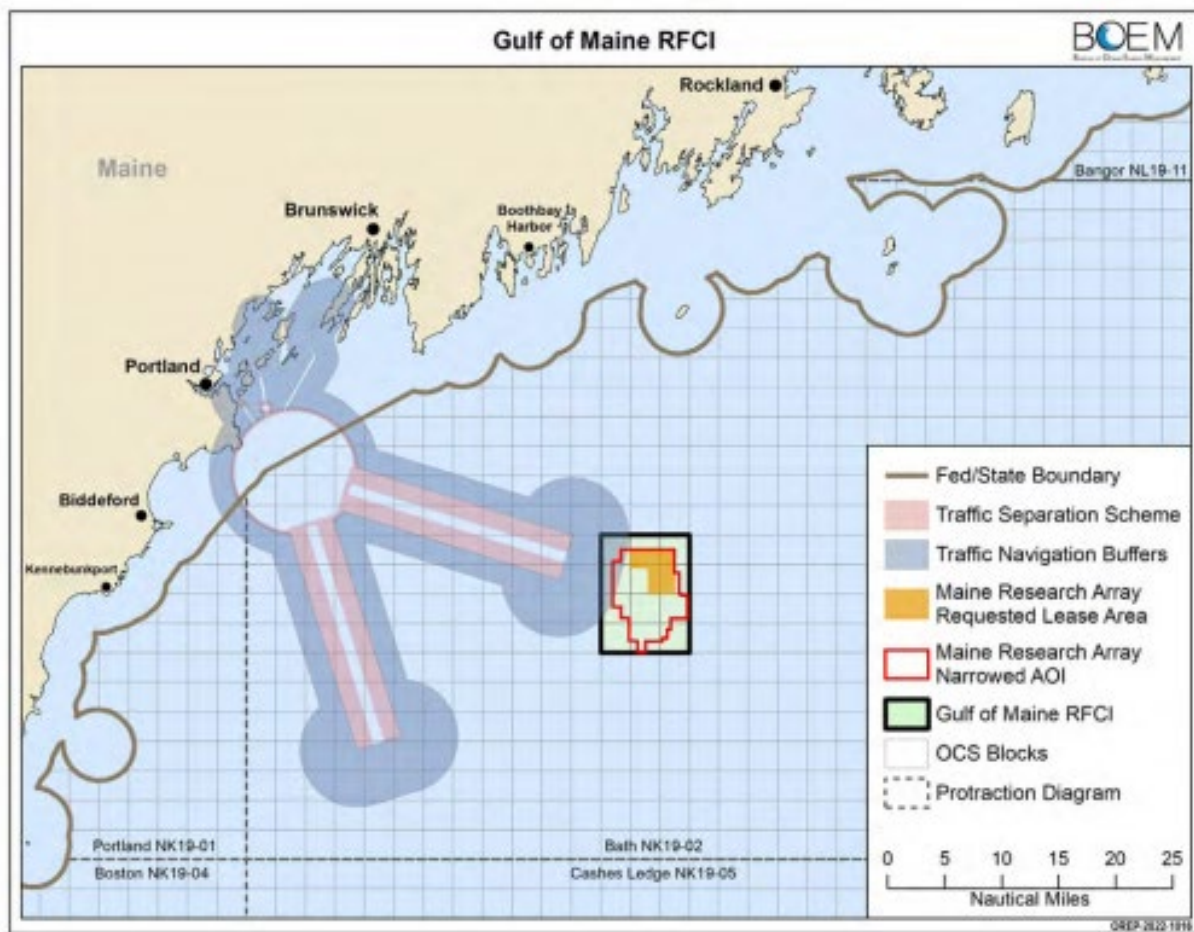
- ❖ BOEM working on revising draft Call Area
- ❖ Council providing feedback to BOEM for incorporation in Call Area and/or WEA (more info on next slide)



Council staff mtgs with BOEM, NCCOS

- ❖ Discussed why we recommended removal of Platts Bank and areas within 140 m of Georges Bank from draft Call Area (based on our RFI recommendations)
 - ❖ BOEM interested in rationale for why HMAs were considered but not designated
- ❖ In the process of providing scallop data, data caveats, and areas of concern regarding GOM draft Call Area (also including non-scallop data, info)
- ❖ NCCOS coordination – looking for other opportunities to share data/info (potentially NRHA products)

Maine Research Lease Application



- ❖ BOEM determined there was no competitive interest based on the Aug. RFI
 - ❖ “Concerns about commercial scale viability in proposed research lease area”
- ❖ BOEM will move forward with research application → initiate environmental review

Other wind-related updates

Ongoing, Upcoming:

- ❖ [SouthCoast Wind](#) DEIS comment opportunity – due 4/3 (in progress)
- ❖ Offshore Wind Informational Session with wind developers during April Council meeting during the day (4/18)
- ❖ Again, GOM call area expected soon, w/comment period

Recently:

- ❖ Held session on the importance of fishery engagement in offshore wind development during Maine Fishermen's Forum
- ❖ Maine Offshore Wind [Roadmap](#) published in Feb.

11:25 am

**Exempted Fishing Permit-based
Research in the Great South Channel**

- ❖ Habitat PDT/Committee provided recommendations on utility of Rose and Crown EFP results, based on CFF final report
- ❖ In August, CFF requested another EFP to complete additional work
 - Denied by GARFO in Dec.
 - CFF rebuttal in Jan.
 - We understand they are working on a revised proposal

Sharing this background given the Council's engagement in prior work

TODAY: Provide any input to Committee (3/23)

11:50 am
Other business