



New England Fishery Management Council

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DRAFT MEETING SUMMARY

Habitat Advisory Panel
Seaport Inn and Marina, Fairhaven, MA
March 18, 2015

The Habitat Advisory Panel met on March 18, 2015 in Fairhaven, MA to recommend preferred management alternatives to the Habitat Committee for Omnibus Essential Fish Habitat Amendment 2.

MEETING ATTENDANCE:

David Wallace (chair), Richard Bellavance, Gib Brogan, Beth Casoni, Ben Cowie-Haskell, Greg Cunningham, Ben Martens, Chris McGuire, Drew Minkiewicz, Maggie Raymond, Ron Smolowitz, and John Williamson. The Habitat Committee Chair Dave Preble was also in attendance. Council staff in attendance were Michelle Bachman and Maria Jacob. Approximately 14 additional audience members attended.

MEETING OUTCOMES:

Eastern Gulf of Maine habitat management alternatives:

- The Advisory Panel recommends Alternative 1/No Action.

Central Gulf of Maine habitat management alternatives:

- No preferred alternative was agreed upon.

Western Gulf of Maine habitat management alternatives:

- No preferred alternative was agreed upon.

Georges Bank habitat management alternatives:

- The Advisory Panel recommends Alternative 7 on GB as preferred, and that an area of Closed Area II north of 41° 30' N would remain closed to all mobile bottom-tending gear between June 15 and October 31, subject to the scallop fishery having access to the area north of 41° 30' N between March 1 and June 15. This motion recognizes the agreement between the trawl fishery and the offshore lobster fishery, which could be subject to revision.

Great South Channel/Southern New England habitat management alternatives:

- Cox Ledge:
 - The Advisory Panel supports the Committee motion to decouple the discussion of Cox Ledge
 - The Advisory Panel recommends designation of a habitat management area on Cox Ledge (areas 1 and 2)
 - The Advisory Panel recommends a prohibition of hydraulic clam dredge gear within the Cox Ledge areas
- The Advisory Panel recommends Alternative 5 in the Great South Channel (with Cox Ledge as a separate decision).

In addition, the AP recommends that the surfclam ocean quahog industry be exempt from habitat management areas on Georges Bank and in the Great South Channel sub-regions.

Gulf of Maine spawning alternatives:

- The AP recommends that for the Gulf of Maine, the Council consider the Northeast Multispecies FW53 spawning protections and cod protection zones to be sufficient at this time.

Georges Bank spawning alternatives:

- No preferred alternative was agreed upon.

Dedicated Habitat research areas:

- The AP supports Alternative 3B (Stellwagen with northern reference area) and Alternative 5 (sunset provision) as preferred.

MOTIONS

The Advisory Panel began the day with a discussion of clam dredge exemption areas. The Habitat Committee asked for recommendations on exemption areas within habitat management areas where clam dredges would be allowed to fish. The clam dredge industry prepared charts for Georges Bank and the Great South Channel/Nantucket Shoals of areas they were willing to be excluded from. The Panel discussed the charts and the issue generally, and agreed that industry members would continue to work on the proposals and that the Panel would continue discussion of the issue after lunch.

1. Williamson/Minkiewicz. Move to table discussion of Georges Bank clam dredge exemption areas until after lunch. Motion 1 carried 11/0/0.
2. Raymond/Minkiewicz. Move to table discussion of Great South Channel clam dredge exemption areas until after lunch, with the proposal building on existing management areas already in the amendment. Motion 2 carried 11/0/0.

Next, the Advisory Panel moved through the amendment document section by section and members offered recommendations on preferred alternatives for the Panel's consideration. Motions that carried are identified in bold type.

Staff described the range of alternatives for Habitat Areas of Particular Concern. She noted that these should generally be considered final preferred alternatives of the Council based on 2007 decisions, but that revisions are still possible during final action on this amendment. The Panel reviewed the letter from GARFO Regional Administrator John Bullard dated 3/16/15, and discussed the rationale for HAPCs generally, as referenced in that letter.

3. Minkiewicz/Smolowitz. The AP recommends that the current HAPCs are no longer warranted given the new analysis that has been conducted during Phase 2.
- 3a. The motion was reworked by friendly amendment: Minkiewicz/Smolowitz. The AP recommends that the current HAPCs may no longer be warranted given the new analysis that has been conducted during Phase 2, and should be reviewed. Motion 3a failed 5/6/0

The Advisory Panel discussed the Cox Ledge areas, and the ability to mix and match alternatives generally.

4. Bellavance/Casoni. The Advisory Panel recommends that the Committee select as its preferred alternative Cox Ledge Habitat Management Areas 1 and 2 with a prohibition of fishing in the area with hydraulic clam dredges.

4a. The motion was reworked by friendly amendment:

- **The AP supports the Committee motion to decouple the discussion of Cox Ledge**
- **The AP supports designation of a habitat management area on Cox Ledge (areas 1 and 2)**
- **The AP supports a prohibition of hydraulic clam dredge gear within the Cox Ledge areas**

Motion 4a carried 10/0/1.

Next, the Advisory Panel discussed the habitat management alternatives for the Gulf of Maine.

- 5. Martens/Raymond. The AP recommends Alternative 1/No Action for the eastern Maine sub-region. Motion 5 carried 7/3/1.**
6. Raymond/Smolowitz. The AP supports the Council's preferred Alternative 4 in the central GOM sub-region. Motion 6 failed 5/5/1.
7. Martens/Williamson. The AP supports No Action for the central GOM sub-region. Motion 7 failed 5/5/1.
8. Cunningham/McGuire. In the WGOM, the AP supports the Council's selection of the status quo as their preferred habitat management alternative. Motion 8 failed 5/5/1.

At this point in the meeting, the Advisory Panel resumed discussion of the clam dredge exemption issue. The Panel reviewed charts showing one vessel's tows in the Nantucket Shoals region.

9. Smolowitz/Raymond. The Advisory Panel recommends that the surfclam ocean quahog industry be exempt from habitat management areas on Georges Bank and in the Great South Channel sub-regions. Motion 9 carried 7/3/1.

Next, the Panel resumed the region-by-region discussion of alternatives.

10. Minkiewicz/Raymond. The Advisory Panel recommends Alternative 7 on GB as preferred.

10a. Casoni/Williamson Motion to amend: The AP recommends Alternative 7 on GB as preferred, and that the area currently known as Closed Area II north of 41° 30' N would remain closed to all mobile bottom-tending gear between June 15 and October 31, subject to the scallop fishery having access to the area north of 41° 30' N between March 1 and June 15. This motion recognizes the agreement between the trawl fishery and the offshore lobster fishery, which could be subject to revision.

Motion 10 was amended 6/1/4.

Motion 10a (as amended) carried 6/3/2.

11. Raymond/Minkiewicz. The Advisory Panel recommends Alternative 5 in the Great South Channel. Motion 11 carried 6/3/2.

The Chairman recused his seat temporarily and the Vice Chairman, John Williamson, ran the discussion for motions 12 and 13 only.

12. Wallace. Move that the Nantucket Lightship Closure Area and Nantucket Lightship Habitat Closure Area be removed. The motion was not seconded.

The Panel discussed that Motion 11 above recommending GSC Alternative 5 includes removal of this area.

13. Wallace/Casoni. Move that the clam fishery be exempt from groundfish spawning closures. Motion was withdrawn by the maker.

The Advisory Panel discussed that Spawning Alternatives 2 and 3 for Georges Bank are written so as to exempt clam dredges. However, staff noted that these areas remain within the PSP closure, which would preclude clam dredging in Closed Areas I and II even if the seasonality and restrictions within those areas are adjusted by the Council in this amendment.

14. Minkiewicz/Raymond. That the AP recommends as preferred GB spawning Alternative 2, Options B and C. Motion 14 failed 3/6/2.

15. Raymond/Bellavance. That the AP recommends as preferred GB spawning Alternative 2, Options A and C. Motion 15 failed 5/5/1.

- 16. Raymond/Bellavance. The AP recommends that for the Gulf of Maine, the Council consider the Northeast Multispecies Framework Adjustment 53 spawning protections and cod protection zones to be sufficient at this time to meet the spawning objectives of OHA2. Motion 16 carried 5/4/2.**
- 17. Williamson/Haskell. That the AP supports Alternative 3B (Stellwagen Dedicated Habitat Research Area with Northern Reference Area 2) and Alternative 5 (sunset provision) as preferred. Motion 17 carried 5/3/2.**
18. Smolowitz/Minkiewicz. Research projects funded with government or RSA funds and conducted by commercial vessels would be exempt from Omnibus Habitat Amendment regulations.
- 18a. Motion was reworked by friendly amendment: Smolowitz/Minkiewicz. Research projects funded with government or RSA funds and conducted by commercial vessels should be given expedited consideration for access into habitat closures. Motion 18a carried 8/0/0.**