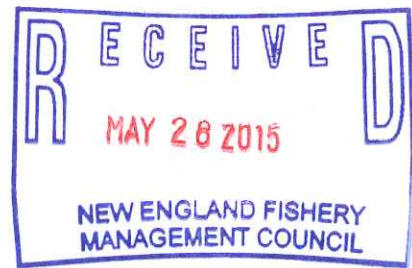


CORRESPONDENCE



May 27, 2015

Mr. Terry Stockwell, Chairman
New England Fishery Management Council
50 Water Street, Suite 2
Newburyport, MA 01950

Dear Terry:

In advance of the upcoming discussions on final action of the Omnibus Habitat Amendment at the Council's upcoming Habitat Committee meeting and at the Council meeting in June, please consider the following additional comments from Environmental Defense Fund (EDF).

In selecting a final preferred alternative on Georges Bank and in voting on spawning measures, we urge the Council to think holistically about what this action will mean for the other FMPs and their goals, and specifically to think about the groundfish objectives of the OHA and the Council's obligation to rebuild groundfish stocks. Of the alternatives presented for Habitat Management Areas on Georges Bank, we recommend the Council select Alternative 8 as its final alternative. Of the alternatives that have been analyzed in the DEIS, we continue to believe that Alternative 8 is the only alternative other than the status quo that can meet the goals and objectives of this amendment. As we noted in our letter to the Council dated April 15, 2015, Alternative 8 is the alternative before the Council that is most firmly backed by the science developed for this analysis, including the SASI analysis and the hotspot analysis. This area contains the highest number of juvenile groundfish hotspots other than the status quo, including for cod, haddock, and yellowtail flounder, is an important spawning area for cod, haddock, and other species, and contains the highest number of LISA clusters of any alternative. Because this alternative includes deep water on the north slope of the Bank, it can also promote resilience to climate change, protecting the deeper waters to the north where some fish may move as water temperatures increase. By these measures, Alternative 8 would most successfully address multiple goals with a single closed area, despite significantly reducing the total area closed on Georges Bank.

Most importantly, as evaluated in the DEIS, Alternative 8 is the only new alternative that would have positive impacts for large mesh groundfish resources; most of the other alternatives were evaluated to have moderately to highly negative impacts on groundfish resources. Georges Bank cod and Georges Bank yellowtail flounder stand out as the two groundfish stocks in this region with unfavorable assessments and declining biomass. Reducing protections for these stocks at a time when they are most needed is unwise. While we support the new preferred alternative in the Great South Channel for its importance as protection for a migration corridor with high diversity, the groundfish benefits of this area, as evaluated in the DEIS, are uncertain. The Council should ensure its chosen alternative on


Georges Bank makes up for this lack of certainty by strongly considering the need to protect and enhance groundfish resources in selecting its final alternative.

In line with this favorable evaluation of Alternative 8, we urge the Committee to reconsider their support for Alternative 7 as the preferred HMA alternative on Georges Bank. As has been noted previously, this alternative does not include any juvenile groundfish hotspots, and as such would not meet the Council's objective of providing improved protection for critical groundfish habitats. Regarding the new alternative introduced at the April Council meeting (Alternative 9), while we have not yet seen any formal analysis of these areas, a comparison with previous analyses suggest this alternative would reduce protection for GB cod and yellowtail flounder compared with the existing HAPC without making up for it elsewhere.

While making its final decision on a preferred alternative for Georges Bank, we urge the Council to consider the full cumulative impact of these decisions on both the fish and fisheries of the Georges Bank region. The DEIS for this amendment did not analyze the cumulative impacts of spatial management measures in Georges Bank and the Great South Channel because preferred alternatives had not been selected prior to the April Council meeting. Some questions remain that have not been addressed by the Council that would allow for a better understanding of the cumulative effects of any final alternatives selected for Georges Bank. Specifically, we ask the Council to address its intent with regards to other existing spatial management measures on Georges Bank that overlay Closed Areas I and II within the Groundfish and Scallop FMPs, including the Haddock/Yellowtail Flounder Special Access Programs and the Scallop Access Areas, should the status quo not be selected as the preferred alternative. Specifically, we have concerns about the fate of Georges Bank yellowtail flounder, a stock known to be in poor shape, if the protections in Closed Areas I and II are removed. These existing measures, while allowing some fishing access to the closed areas, also may provide some benefits to resources through reducing effort and through associated bycatch avoidance measures. An evaluation of the cumulative impacts of the selected preferred alternatives needs to consider any changes to spatial management currently in place in this region. We hope the Council will clarify their intent for these measures in this amendment.

Finally, the Council selected several preferred alternatives at the April Council meeting before deciding to defer a decision on Georges Bank to the June meeting. While EDF did not necessarily agree with every decision that was made at that meeting, we urge the Council not to revisit the decisions that were made in April, and to focus the June meeting solely on the Georges Bank alternatives and spawning alternatives to allow this amendment to move ahead.

Sincerely,

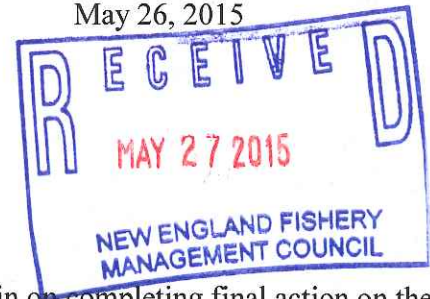


Sarah L. Smith, PhD
Manager, Northeast Coastal Ecosystems
Environmental Defense Fund



Terry Stockwell, Chairman
Thomas J. Nies, Executive Director
New England Fisheries Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

May 26, 2015



Dear Mr. Stockwell and Mr. Nies:

As the New England Fishery Management Council (Council) closes in on completing final action on the Omnibus Habitat Amendment (OHA2), please consider these additional comments on Habitat Management Areas (HMAs) for Georges Bank.

Specifically, we urge the Council to choose Alternative 8 for Georges Bank as the final action alternative. We believe it is the only alternative to No Action (Closed Areas I and II) that can be justified scientifically as meeting the Council's Essential Fish Habitat (EFH) conservation obligations in this region. This alternative opens substantial area now protected in the No Action areas but contains more habitat of high importance to managed fish and habitat that is vulnerable to fishing impacts.¹ Alternative 8 has received vastly more public support than any other option for Georges Bank.

Each of us, and the organizations we represent (with a combined membership of over four million²), have participated in the development of this amendment for years, offering input at almost every opportunity. We believe that the decisions being made through OHA2 are critically important to the region's future including the health of its marine ecosystems, dependent fisheries and communities, resilience in the face of climate change, and the Council's ability to launch a successful Ecosystem Based Fisheries Management (EBFM) plan. We are particularly concerned about Georges Bank, the one remaining biogeographic area where the Council has yet to complete final action.

The No Action management areas on Georges Bank (Closed Areas I and II) are among the largest and oldest in the region, providing habitat protection, reducing impact to EFH, protecting juvenile and spawning fish, and controlling fishing mortality. However, except for No Action, the alternatives offered in the DEIS, and those introduced by the Council since the comment period on the DEIS closed, would all amount to large decreases in the areal extent of habitat protection on Georges Bank, opening areas

¹ Alternative 8 encompasses 1,912 km² of *far above average* and 1,501 km² of *very far above average* fish habitat based upon the Weighted Persistence Analysis provided to NOAA Fisheries by The Nature Conservancy, January 8, 2015; Swept Area Seabed Impact (SASI) approach was developed by Council technical advisors for identifying vulnerable seafloor areas; the Local Indicators of Spatial Association (LISA) clustering analysis was used to identify spatial clusters of vulnerable habitat; both procedures are summarized in DEIS, Volume 5, Appendix D, and at: www.nefmc.org/habitat/sasi_info/110624_SASI_Summary_v2.pdf; see also: Anselin L (1995) Local Indicators of Spatial Association – LISA. *Geographical Analysis* 27(2):93-115.

² The organizations signed on to this letter have a combined membership of approximately 4,453,500 members.

that have had protection for over two decades.³ The alternatives that the Council appears to be considering most seriously (Western and Eastern areas with a small mortality closure in the Northeast), will offer substantially fewer ecological benefits than what is currently protected. We are concerned both because New England risks losing important habitat protection (*i.e.*, less area) and because it risks losing ecological attributes that have accumulated in No Action areas due to years of protection. Georges Bank is widely recognized as biogeographically unique, supporting distinct stocks and ecological communities.⁴ Because of its biogeographic distinctiveness, we believe it is incorrect to think that new or existing habitat protections outside of Georges Bank (*e.g.*, in the Gulf of Maine) will compensate for reduced protection for key habitat on Georges Bank.

Alternative 8 protects an important area along the so-called “Northern Edge” of the bank, providing significant ecological support for this biogeographic area. Alternative 8 is the only alternative other than No Action that will contribute to meeting many of the goals of the amendment and those mandated for EFH through the Magnuson-Stevens Act and its implementing regulations. Below we discuss specific issues that should be considered while taking final action on Georges Bank. Many of these points were made previously through an e-mail to the Council.⁵

Area considerations. Georges Bank is approximately 42,343 km² and the No Action areas now protect a substantial portion of it in two large management areas (10,801 km²). Current research in marine science indicates that large, isolated areas with comprehensive protection offer more benefits for fish than smaller areas.⁶ Alternative 8 (4,788 km²) would replace the two existing large areas with one, for a net loss in area of 55%. Nevertheless, Alternative 8 is a substantial area protecting roughly 11% of the Georges Bank biogeographic area. Based on analyses in the DEIS and provided through public comment, this smaller area may outperform the No Action areas with a smaller footprint – at least in terms of some habitat attributes (discussed further below). Because Alternative 8 straddles the boundary between Georges Bank and the Gulf of Maine, it captures multiple habitat types and with these a diversity of species and ecological processes. This is the only alternative the Council is considering for which a reasoned argument can be made that an improvement in habitat conservation would be attained despite the significant decrease in overall footprint.

Considering Georges Bank, the Great South Channel and points south as a Southern New England ensemble, the OHA2 is expected to eliminate 18,086 km² of protection by eliminating the No Action areas. If Alternative 8 is chosen for Georges Bank, and Alternative 4 in the Great South Channel (already selected as the final action alternative), the OHA2 action would replace these 18,086 km² with 7,354 km²

³ See DEIS Volume I: Groundfish area closure history (section 3.3.2).

⁴ Cook RR, and Auster PJ (2007). A bioregional classification of the continental shelf of northeastern North America for conservation analysis and planning based on representation. Marine Sanctuaries Conservation Series NMSP-07-03; Crawford JD and Smith J (2006) Marine Ecosystem Conservation for New England and Maritime Canada: A Science-Based Approach to Identifying Priority Areas for Conservation. Conservation Law Foundation and WWF-Canada, 193 pp; Theroux, RB and Wigley RL (1998) Quantitative composition and distribution of the macrobenthic invertebrate fauna of the continental shelf ecosystems of the northeastern United States. U.S. Dep. Commer., NOAA Tech. Rep. NMFS 140, 240 pp; SSC White Paper On Ecosystem – Based Fishery Management For New England Fishery Management Council Prepared by Scientific and Statistical Committee, October 2010.

⁵ Message e-mailed to Tom Nies et al May 1, 2015 at 4:16 PM (attached).

⁶ Edgar GJ et al. (2014) Global conservation outcomes depend on marine protected areas with five key features. *Nature* 506: 216–220.

for a net loss of 59%.⁷ The other alternatives the Council is seriously considering would lead to an even more severe loss in terms of area of habitat protection area, as well as ecological attributes in Southern New England.

Practicability considerations. We believe that Alternative 8 is a *practicable* alternative. The practicability analysis should take into account the long-term economic benefits of this HMA to multiple fisheries, including ecological/economic benefits beyond its boundaries. The analysis should include an adequate valuation of the benefits stemming from opening over 18,000 square kilometers in Southern New England, with the opening of Closed Areas I and II and the Nantucket Lightship area. Within such a comprehensive framework, the available information indicates that there will be significant economic gains when compared to the identified costs, shifting any practicability analysis in a positive direction (see attached).

Since the public comment period closed for the DEIS, on January 8, 2015, it has become well-recognized that information presented in the DEIS on scallop resources associated with Alternative 8 were in error.⁸ Impacts to the scallop fishery were a significant factor in the practicability analyses described in the DEIS. Although the errors in the estimates of predicted loss of scallop access to the fishery attributable to Alternative 8 appear to have been corrected by Council staff,⁹ to the best of our knowledge, a reevaluation of practicability of Alternative 8 based on corrected scallop data, or other information incompletely considered in the DEIS, has not been made public (see DEIS V4 and supporting materials below; comments submitted by Guillermo E. Herrera PhD, created January 8, 2015).

Beyond the reevaluation of harvestable scallops within Alternative 8 itself, we are concerned that the analyses made public in the DEIS did not adequately account for the new access to scallops and other resources accruing from the planned opening of the 18,086 km² now within the No Action areas. In particular, substantial access to scallops and clams will result, as well as access to new areas for fishing finfish. Moreover, insufficient consideration has been given to the role of those scallops protected within Alternative 8 as a source for repopulation of more southerly areas through larval export and settlement (see Figure 6 of Tian et al 2009; see supporting materials below).¹⁰ Finally, it must be recognized that scallop resources extend from Georges Bank south into the mid-Atlantic region; local impacts resulting from habitat protection in New England must be considered within this broader context.

Among the other resources that are expected to benefit from Alternative 8 are Atlantic herring, one of the most important forage fish in the region today, providing food for struggling fish stocks and for many rare and endangered seabirds and marine mammals. These herring are the subject of concerted efforts by the Herring and EBFM Plan Development Teams (PDTs) and Committees of the Council to manage herring in a more ecological protective manner.¹¹ The OHA2 amends the Atlantic herring FMP.

⁷ Note: the impact on habitat is greater due to the one year exemption for hydraulic clam dredges that the Council adopted.

⁸ Compare DEIS V3, Table 140, with recent SAFE reports; Council discussion April 23, 2015; see supporting materials below.

⁹ Memorandum from Executive Director Tom Nies to Council, dated April 17, 2015.

¹⁰ Tian RC *et al.*, 2009. Dispersal and settlement of sea scallop larvae spawned in the fishery closed areas on Georges Bank. *ICES J Mar Sci* 66(10): 2155-64.

¹¹ [Scoping Document](#) for Amendment 8 to the Atlantic Herring Fishery Management Plan, New England Fisheries Management Council, February 19, 2015 (by Lori Steele); Pikitch, E., *et al.*, 2012. [Little fish, big impact](#). Lenfest Forage Fish Task Force. Lenfest Ocean Program; Smith, A., *et al.*, 2011. Impacts of fishing low-trophic level species on marine ecosystems. [Science](#) 333:1147-1150, 1149; Cury PM *et al.*, 2011. Global Seabird Response to Forage Fish Depletion—One-

Alternative 8 is situated on Georges Bank such that it will provide significant protection for massive herring spawning events on the Northern Edge.¹² Because herring eggs form dense mats on the seafloor, they are vulnerable to disturbance by mobile bottom tending fishing gear. Neither the economic benefits of this protection directly to the herring fishery, nor the benefits to fisheries for herring predators, appear to have been fully considered in the practicability analyses in the DEIS. The DEIS reports the impacts of Alternative 8 for the herring resource as only *slightly positive*. This information should be reevaluated. No other alternative for Georges Bank, or any other sub-region, offers such significant spawning protection for herring.

Alternative 8 and habitat vulnerability (SASI/LISA).¹³ The Council's technical advisors spent many years developing a computer-based method (SASI with LISA) for identifying areas that are expected to be highly vulnerable to fishing gear impacts. The purpose of this exercise was to design HMAs that would capture the vulnerable areas so identified. The alternatives now in the DEIS vary widely in the degree to which they include vulnerable habitat identified by SASI, with many capturing only a small portion. Alternative 8 for Georges Bank, however, captures more of the SASI trawl LISA clusters ($p \leq 0.05$) than any other Georges Bank alternative, or any alternative in the entire DEIS for all sub-regions. Over half of Alternative 8 is made up of LISA clusters (55%), and this alternative has at least 4 times more trawl LISA clusters than any of the other Georges Bank alternatives in the DEIS. In terms of protection of trawl-vulnerable habitat, Alternative 8 is the only alternative other than No Action that is strongly supported by the scientific record for this amendment.

Alternative 8 and Essential Fish Habitat. Alternative 8 does an excellent job of protecting EFH. A primary purpose of habitat management plans, and thus this amendment, is to reduce adverse impacts on EFH to the extent practicable.¹⁴ Alternative 8 for Georges Bank captures 100% of the 23 species for which there is one or more benthic life stage EFH designation (see DEIS V3, Tables 29 and 52); no other alternative performs as well for these species, not even No Action. This alternative also captures 95% (41/43) of the possible life stage designations for these 23 species; no other alternative performs as well except No Action where Closed Area I is equivalent (see DEIS V3, Tables 29 and 52). Overall, Alternative 8 protects EFH for many species and life stages with 61 of the 73 total possible combinations intersecting this alternative.¹⁵

Alternative 8 and benefits for groundfish. Protection of Alternative 8 along the Northern Edge of Georges Bank is expected to have major benefits for restoring groundfish resources, including rebuilding of overfished stock, requiring many years in some cases. According to analyses submitted to NOAA Fisheries during the public comment period, Alternative 8 protects more area persistently supporting managed groundfish species (1,912 km² *far above average*, or 40% of Alternative 8) than any other

Third for the Birds. *Science* 334:1703-5; Marine Stewardship Council 2011. [Assessment of Low Trophic Level \(LTL\) Fisheries](#); Patterson, K. 1992. Fisheries for small pelagic species: an empirical approach to management targets. *Reviews in Fish Biology and Fisheries* 2:321-338.

¹² SAW/SARC 54 Stock Assessment of Atlantic Herring – Gulf of Maine/Georges Bank For 2012, Updated through 2011, Figure A4-3; DEIS V2, Maps 26, and 99; Letter from CLF et al to Tom Nies, dated February 20, 2014; Makris NC *et al.*, (2009) Critical Population Density Triggers Rapid Formation of Vast Oceanic Fish Shoals. *Science* 323: 1734-1737.

¹³ See footnote #1

¹⁴ Letter from NOAA Fisheries Regional Administrator, John Bullard, to Ernest F. "Terry" Stockwell, dated April 16, 2015; Magnuson-Stevens Fishery Conservation and Management Act, § 303(a)(7).

¹⁵ From The Nature Conservancy letter to NOAA Fisheries, January 8, 2015.

alternative considered for Georges Bank except for No Action, by a factor of 3 or more.¹⁶ This alternative also captures more juvenile hotspots (56) than any of the other alternatives in the DEIS except No Action with 101 hotspots. Alternative 8 captures 28 times more juvenile hotspots than the Habitat Committee's preferred Alternative 7 (see DEIS V3, Table 68; Pew letter dated January 8, 2015). The area encompassed by Alternative 8 is covered with spawning hotspots for various groundfish species (DEIS V1, Map 153; Pew letter dated January 8, 2015), including cod, haddock, red hake, silver hake, and windowpane flounder (DEIS V1, Map 154). It is also an important area for many juvenile groundfish including yellowtail flounder, cod and haddock.¹⁷ According to analyses presented in the DEIS,¹⁸ Alternative 8 is the only alternative expected to have positive impacts on large mesh groundfish resources.

Conclusions

We strongly urge the Council to carefully consider its responsibility to minimize to the extent practicable the adverse effects from fishing on EFH as it takes final action on HMAs for Georges Bank. The best available scientific information, much of it summarized in this letter, supports Alternative 8 as the only acceptable alternative other than No Action. Based on the DEIS and new information that has become available since its release, we believe that Alternative 8 is practicable and that it offers some ecological benefits not provided in the No Action areas.

This choice for Georges Bank has been supported by many thousands of interested members of the public including 147 scientists.¹⁹ Among scientists supporting Alternative 8 were former NOAA Chief Scientist Sylvia Earle and several authors of a prominent publication examining the factors that determine the effectiveness of habitat management areas. This global analysis demonstrated that large, isolated areas perform much better than small areas.²⁰ Alternative 8 is a single large area (4,788 km²) whereas the alternative that was identified by the Habitat Committee as preferred (Alternative 7; March 23, 2015) is composed of two small areas of only 278 and 1,025 km². In combination, these two areas are 12% of the No Action areas and only 3% of the Bank. We believe that Alternative 7 will not meet the goals of this amendment, nor those for EFH more broadly.

Additional alternatives have been introduced for Georges Bank subsequent to the publication of the DEIS, including two at the Habitat Committee meeting on April 9, 2015 and a third at the Council meeting on April 23, 2015. The April 23 alternative is again a composite of two small HMAs (900 and 607 km²) with the addition of a small groundfish mortality closure (443 km²). In combination, these areas are 18% of No Action and just 5% of the bank. The choice of this alternative would represent a massive decrease (82%) in the footprint of protection on Georges Bank compared to the existing closures. It would reclassify critical habitat that is now within a Habitat Area of Particular Concern (HAPC) as a mortality closure and with it allow a substantial number of fishing gears through exemptions. Based upon the locations and sizes of these new areas, we do not expect that the new alternative will perform

¹⁶ Weighted Persistence Analysis, presented by The Nature Conservancy to NOAA Fisheries January 8, 2015.

¹⁷ Memo to Council from Tom Nies, dated April 17, 2017, see Figures 3-5.

¹⁸ DEIS Volume 4, p17.

¹⁹ Letter to NOAA Fisheries Regional Administrator, John Bullard, from The Pew Charitable Trusts dated April 14, 2015; Letter from 147 scientists to John Bullard, NOAA Regional Administrator, dated January 8, 2015, commenting on the OHA2 DEIS;

²⁰ Edgar GJ et al. (2014) Global conservation outcomes depend on marine protected areas with five key features. *Nature* 506: 216–220.

well against the goals and objectives of the amendment nor the EFH requirements of the law. However, no formal analysis of this alternative has been made available for public review through a supplemental EIS or other mechanism.

As the Council completes final action on the OHA2 in June, it has an opportunity to strengthen the amendment through a science-based choice for Georges Bank, a groundfish fishing ground of world renown. This New England treasure will be lost if we do not continue to maintain strong habitat protections. We strongly urge the Council to select Alternative 8 for Georges Bank to attain the goals of this amendment and ensure that the amendment can be approved by NOAA Fisheries.

Sincerely,



Stephen W. Kress, Ph.D.
Director, Seabird Restoration Program &
Vice President for Bird Conservation
National Audubon Society



Doug Fetterly
Co-Team Leader
Sierra Club National Marine Action Team



Peter Shelley, Senior Counsel
Conservation Law Foundation



John D. Crawford PhD
U.S. Oceans, The Pew Charitable Trusts



Roger Fleming, Attorney
Earthjustice



Gib Brogan, Northeast Representative
Oceana



Bradford H. Sewell, Senior Attorney
Natural Resources Defense Council

Supporting Material Attached (9 pages)

From: [Tom Nies](#)
To: [Jud Crawford](#); [John Bullard](#); [Terry Stockwell](#)
Cc: [Peter Shelley](#); [Erica Fuller](#); [Sally McGee](#); [Gib Brogan](#); [Greg Cunningham](#); [ChristopherMcGuire](#); [Sarah Smith](#); [Jacob Kritzer/Environmental Defense](#); [Roger Fleming](#); [Peter Baker](#); [Brad Sewell](#)
Subject: RE: Plans for Georges Bank
Date: Friday, May 01, 2015 4:47:11 PM

Jud

Thank you for your letter, which will be distributed to Council members. I would like to correct a misperception: the Council did not indicate that it would accept additional proposals through the end of this week. That was an idea that was first suggested by Dr. McKenzie, I believe, but the Council did not act on it. Indeed, comments from Council members opposed the idea. There was no direction to staff to analyze additional alternatives received this week.

Tom Nies
Executive Director
New England Fishery Management Council
tnies@nefmc.org
978-465-0492 ext 113



From: Jud Crawford [mailto:JCrawford@pewtrusts.org]
Sent: Friday, May 01, 2015 4:16 PM
To: Tom Nies; John Bullard; Terry Stockwell
Cc: Peter Shelley; Erica Fuller; Sally McGee; Gilbert Brogan; Greg Cunningham; ChristopherMcGuire; Sarah Smith; Jacob Kritzer/Environmental Defense; Roger Fleming; Peter Baker; Brad Sewell
Subject: Plans for Georges Bank

John, Terry and Tom –

At the recent New England Fishery Management Council meeting, the Council and GARFO indicated that ideas for reconfiguring the habitat management areas (HMAs) on Georges Bank would be accepted through this week. Those of us included on this e-mail considered the available information carefully (see attached materials). After much discussion about possibly introducing something new at this stage of the process, we decided instead to offer further support of Alternative 8 (with gear management option 1).

As you know, the public provided overwhelming support for Alternative 8 through the official comment period. As a result of further review of available information, we ask that the Council and GARFO consider that critical information in the DEIS directly bearing on the practicability of this alternative is either missing or incorrect. Specifically, the DEIS underestimated the positive impacts of Alternative 8 for scallop access regionally and

underestimated the overall gains to fisheries for shellfish and other resources that will result from opening up the approximately 18,000 km² currently within the No Action areas on Georges Banks and in Southern New England. The DEIS also underestimates the benefits of added protection for spawning herring provided by Alternative 8.

Moreover, the analysis in the DEIS does not adequately consider the long-term benefits of the Alternative 8 closure for multiple resources throughout the region. Of the alternatives presently considered in the DEIS other than the no action alternative, Alternative 8 minimizes the adverse impacts of fishing gears on essential fish habitats the most by far and is clearly practicable. Alternative 8 is less than half the size of the no action areas (CA I & II) which have been in place for many years. Thank you for your further consideration of Alternative 8 for Georges Bank based on the materials attached and those assembled in support of NOAA Fisheries letter to the Council dated April 16, 2015.

Jud

John D. Crawford, PhD

U.S. Oceans Northeast

The Pew Charitable Trusts

781-771-7026 | jcrawford@pewtrusts.org | www.pewtrusts.org

May 1, 2015

Further Consideration of Georges Bank Alternative 8

Footprint/area considerations

- Alternative 8 is 4,788 km²
- No Action is 10,801 km²
- Alternative 8 is 44% in area compared to the No Action alternative
- If Alternative 8 is chosen for Georges Bank, and Alternative 4 in the Great South Channel, the OHA2 action would replace 18,086 km² of protection in this southern sub-region with 7,354 km² for a net loss of almost 2/3 (59.3%)¹
- Even under the No Action, New England protects approximately 10% of its jurisdiction within HMAs; by contrast, the North Pacific protects well over 40% of its jurisdiction.

Practicability of Alternative 8

- The evaluation of Alternative 8 in the DEIS was biased by an over-estimate of the scallop resources contained within it (Nies memorandum dated April 17, 2015; Council discussion April 23, 2015; compare DEIS V3, Table 140, with recent SAFE reports; see supporting materials below);
- The evaluation of Alternative 8 in the DEIS, with respect to both scallops and clams, was biased by an under-estimate of the shellfish resources that will become available if the Georges Bank and Southern New England No Action areas are opened (see DEIS V4 and supporting materials below).
- The DEIS does not adequately account for the expected benefits of scallops within A8 as a source for repopulation of more southerly areas through larval export and settlement (see Figure 6 of Tian et al 2009; see supporting materials below)²
- Alternative 8 is the only alternative other than No Action that is expected to have positive benefits for the large mesh groundfishery (DEIS Volume 4, p 17; see supporting materials below).
- An evaluation of Alternative 8 that considers the economic and social factors raised here will impact analysis in the DEIS shifting the practicability of this alternative in a positive direction.
- The DEIS reports the impacts of Alternative 8 for the herring resource as *slightly positive*. However, Alternative 8 would protect a substantial portion of the spawning grounds for herring (see SAW 54. Figure A4-3³; DEIS V2, Maps 26, and 99; Letter from CLF et al to Tom Nies, dated February 20, 2014). This information should be reevaluated as no other alternative for Georges Bank offers significant spawning protection for herring.

Alternative 8 compared to other alternatives

- Alternative 8 captures more of the SASI trawl LISA clusters ($p \leq 0.05$) than any other Georges Bank alternative, or any alternative in the entire DEIS for all sub-regions. Over half of Alternative 8 is made up of LISA clusters (55%), and this alternative has at least 4 times more LISA clusters than any of the other Georges Bank alternatives in the DEIS.
- Alternative 8 protects EFH for many species and life stages with 61 of the 73 total possible combinations intersecting the alternative (TNC).⁴
- A8 captures 100% of the 23 species for which there is one or more benthic life stage EFH designation (see DEIS V3, Tables 29 and 52); no other alternative performs as well for these species, not even No Action.

¹ Note: the impact on habitat is greater due to the one year exemption for hydraulic clam dredges that the Council adopted.

² Tian RC *et al.*, 2009. Dispersal and settlement of sea scallop larvae spawned in the fishery closed areas on Georges Bank. ICES J Mar Sci 66(10): 2155-64.

³ SAW/SARC 54 Stock Assessment of Atlantic Herring – Gulf of Maine/Georges Bank For 2012, Updated through 2011.

⁴ TNC: The Nature Conservancy letter to NOAA Fisheries, January 8, 2015.

- A8 captures 95% (41/43) of the possible EFH species-life stage designations for these 23 species; no other alternative performs as well except No Action where Closed Area I is equivalent (see DEIS V3, Tables 29 and 52)
- A8 protects more area persistently supporting managed groundfish species (1,912 km² *far above average*, or 40% of A8) than any other alternative considered for Georges Bank except for No Action, by a factor of 3 or more (TNC).⁵
- A8 captures more juvenile hotspots (56) than any of the other alternatives in the DEIS except No Action with 101 hotspots; A8 captures 28 times more juvenile hotspots than alternative 7 (see DEIS V3, Table 68; Pew letter dated January 8, 2015).
- The area where A8 lies, on the Northern edge of Georges Bank, is covered with spawning hotspots for various groundfish species (DEIS V1, Map 153; Pew letter dated January 8, 2015), including cod, haddock, red hake, silver hake, and windowpane flounder (DEIS V1, Map 154).
- A8 is an important area for many juvenile groundfish including yellowtail flounder, cod and haddock (see supporting material).
- Alternative 8 is a single large area (4,788 km²) whereas the Council's preferred alternative is composed of two very small areas (6% and 21% the size of A8); a global analysis of the benefits of closed areas recently demonstrated that large isolated areas perform much better than small areas (letter from 147 scientists, dated January 8, 2015; Edgar et al 2014).⁶

⁵ Weighted Persistence Analysis, presented by The Nature Conservancy to NOAA Fisheries January 8, 2015.

⁶ Edgar GJ et al. (2014) Global conservation outcomes depend on marine protected areas with five key features. *Nature* 506: 216–220.

Supporting Materials

A8 Will Protect More Trawl-Vulnerable Areas (SASI/LISA 0.05) and Areas of High Groundfish Persistence Than Any Other Alternative for Georges Bank except *no action*.

From The Nature Conservancy, letter to NOAA Fisheries, dated January 8, 2015 (Map 4, page 17). Blue areas inside A8 are LISA Clusters and red areas are areas of high persistence for groundfish.

Region: Georges Bank/Southern New England **Subregion:** Section 2.1.4: Georges Bank

Alternative: Alternative 8

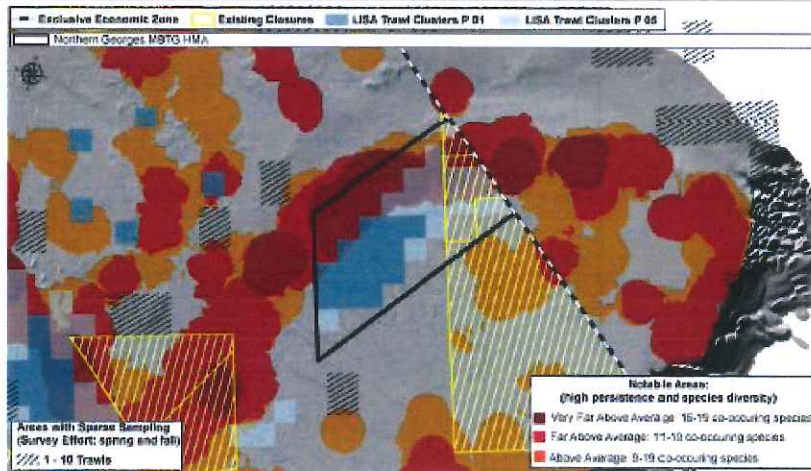
Areas: Northern Georges MBTG HMA

NEFMC Managed Species Contributing to Alternative's Ten Minute Square Weighted Persistence Scores: Barndoor Skate, Atlantic Cod, Haddock, Halibut, Little Skate, Monkfish, Ocean Pout, American Plaice, Pollock, Red Hake, Redfish, Silver Hake, Spiny Dogfish, Thorny Skate, White Hake, Windowpane Flounder, Winter Flounder, Witch Flounder, Yellowtail Flounder, Atlantic Herring



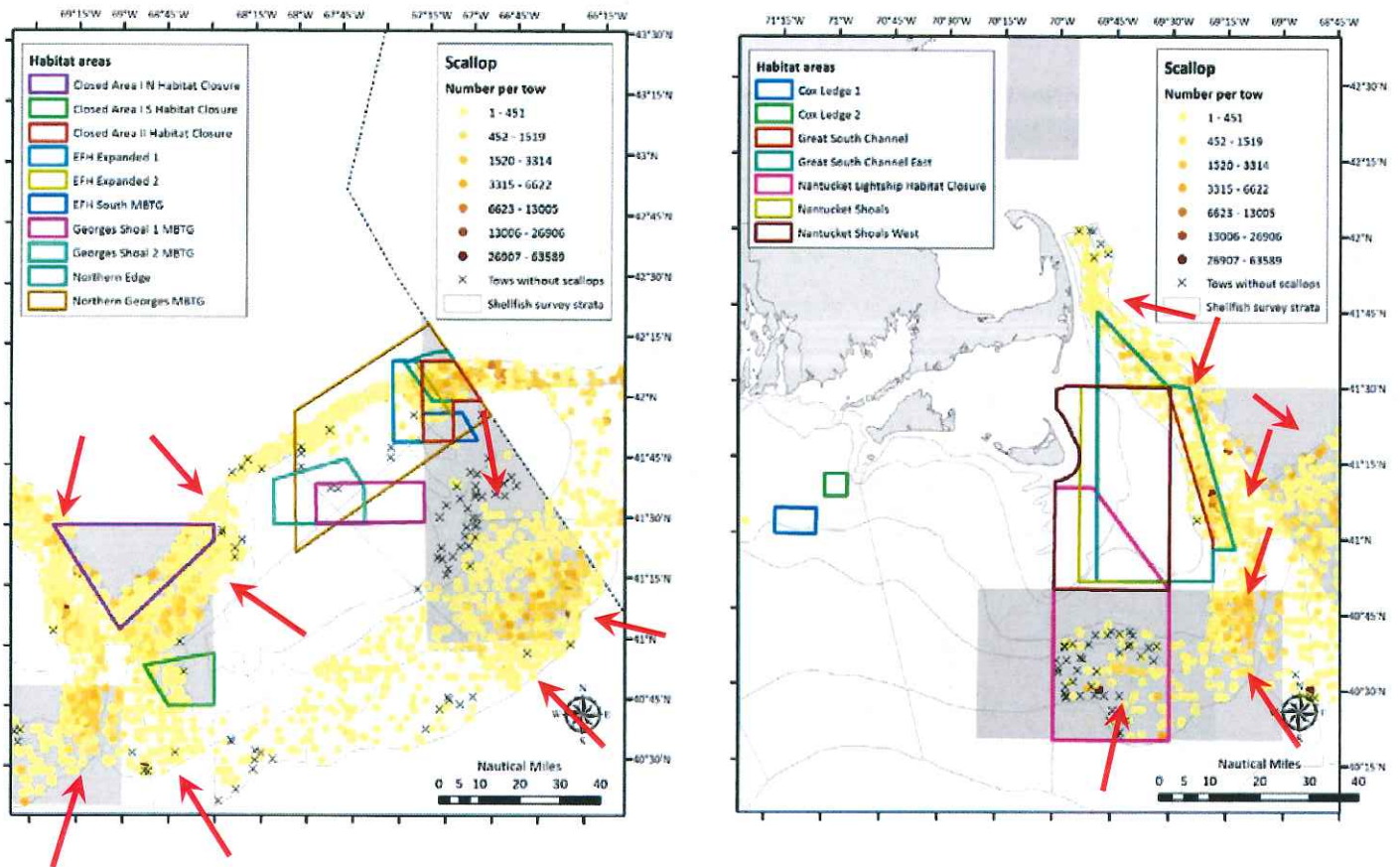
Sea Scallop

Notable Areas for 23 Managed Fish Species Based on Weighted Persistence Scores



Substitution of A8 for No Action will Increase Access to Adult Scallops in New England

From DEIS Volume 3



Map 131(Left) – NEFSC shellfish survey strata with EFH areas under consideration (Georges Bank) with scallop numbers from scallop dredge survey years 2002-2012.

Map 132 (Right) – NEFSC shellfish survey strata with EFH areas under consideration (GSC/SNE) with scallop numbers from all scallop dredge survey years (1966-2013)

From Framework 26 to the Atlantic Scallop FMP (February 17, 2015)

Figure 5 - Potential closed area options on GB with 2014 survey data (Habcam on left and SMAST on right); page 56. Shows age 2 scallops (left) and total recruits (right).

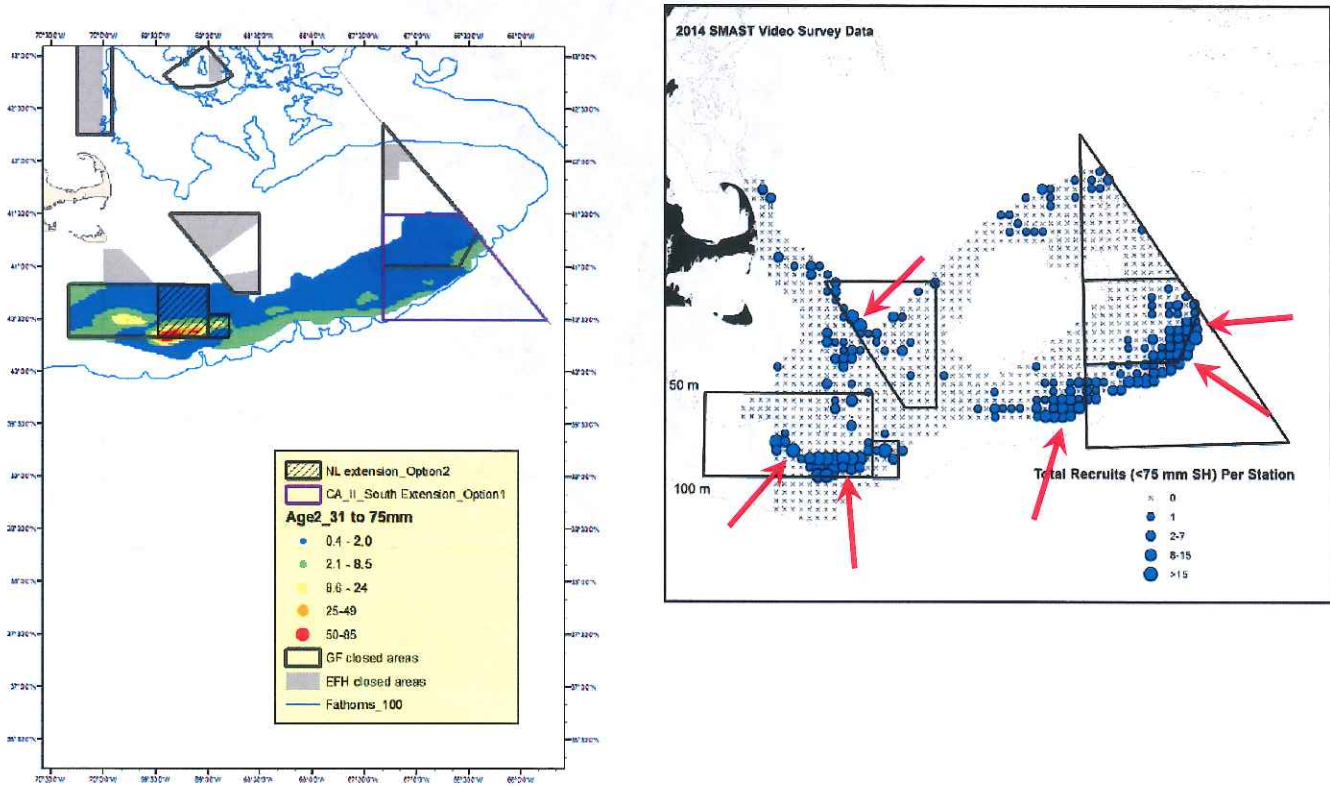
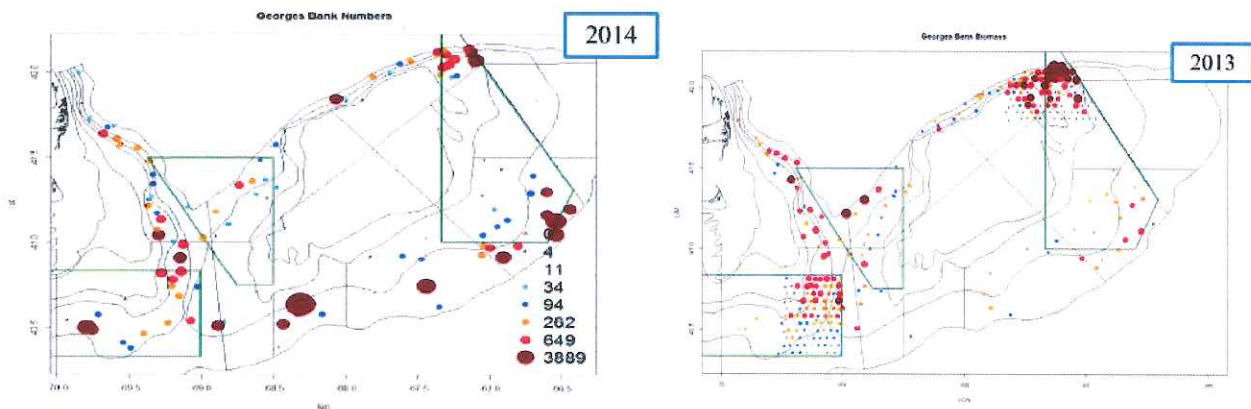
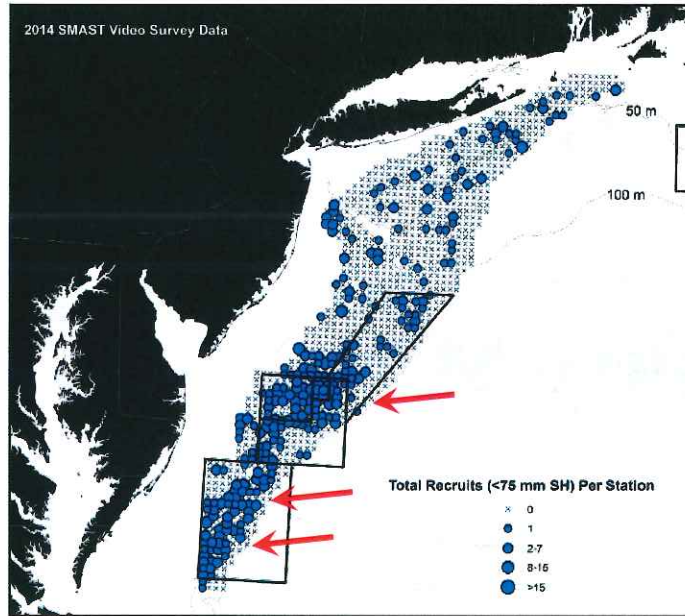


Figure 22 - Total scallop biomass (g/tow) on GB from the 2014 NEFSC dredge tows (left) compared to 2013 biomass from both VIMS and NEFSC dredge tows combined (right).



There Are Many Scallops Outside the Georges Bank Area

Figure 7 – Alternative 3 Option 3 with 2014 survey data (SMAST part only; page 58). Shows total recruits.



Larval Scallops are Exported Out of A8 to Replenish Areas to the South (Tian et al 2009)

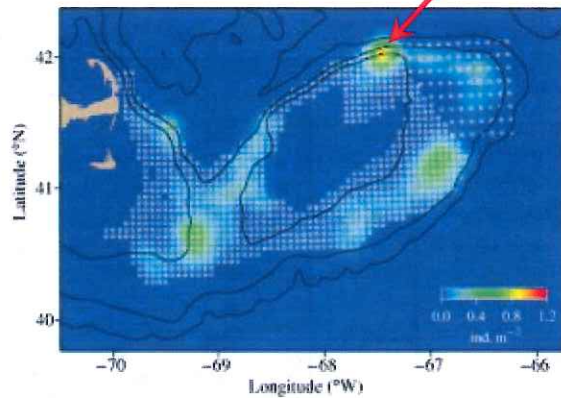


Figure 3. Spawning stocks determined by interpolating scallop abundance data onto the model grids. Scallop data (white circles) are from Stokesbury *et al.* (2004) and Thouzeau *et al.* (1991). Solid lines are the 60-, 100-, and 200-m isobaths.

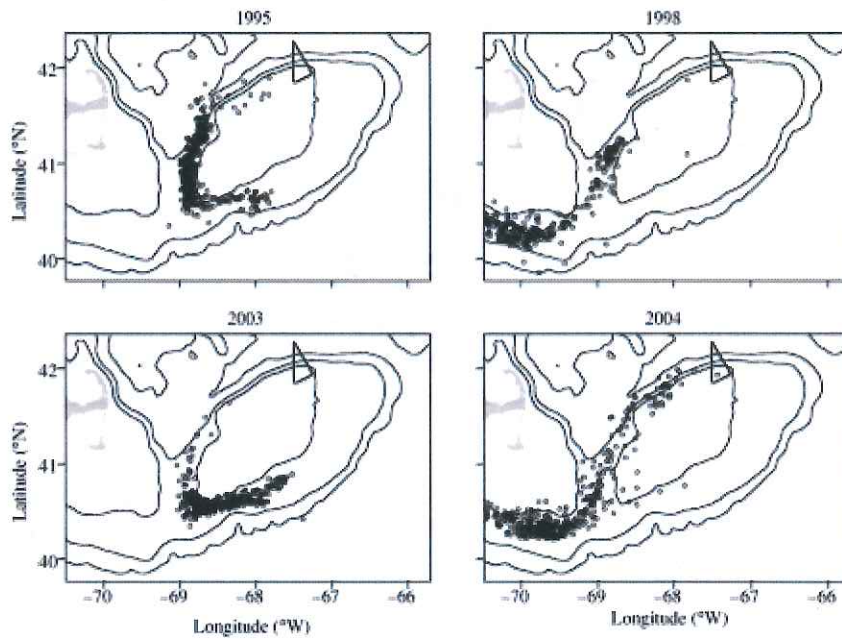
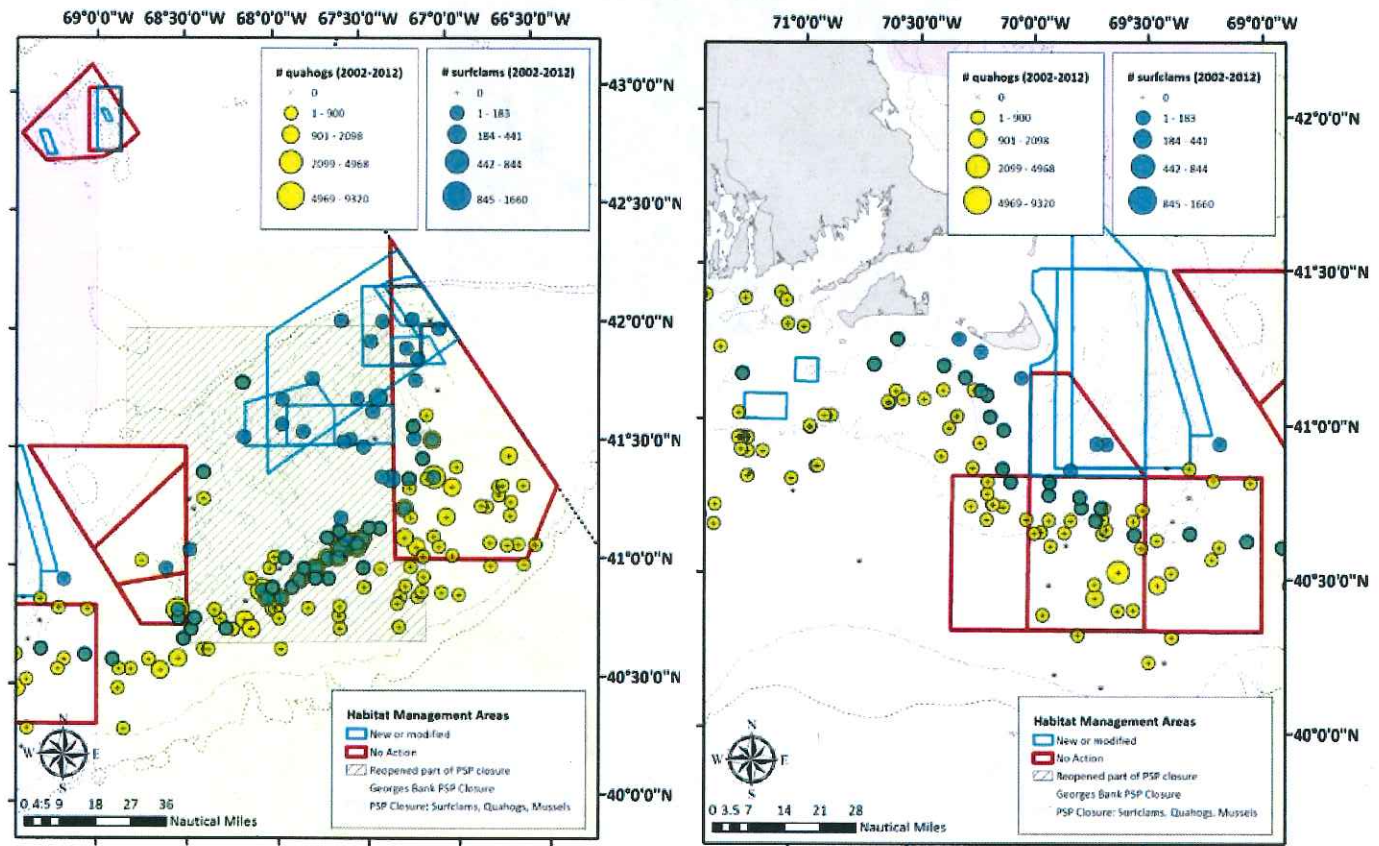


Figure 6. Final settlement of scallop larvae spawned by the northern scallop aggregation of area CA11 simulated by the Standard run. Solid lines are the 60-, 100-, and 200-m isobaths.

Substitution of A8 for No Action will Increase Access to Clams in New England

From DEIS V3



Map 142(Left) – Distribution of the surfclam and ocean quahog resource during summer clam dredge surveys from 2002-2012, relative to PSP closures, the PSP exemption area, and No Action and new/modified habitat management areas in the Georges Bank sub-region. Locations where both species were caught may appear green due to the overlap of blue and yellow shading.

Map 143 (Right) – Distribution of the surfclam and ocean quahog resource during summer clam dredge surveys from 2002-2012, relative to PSP closures, the PSP exemption area, and No Action and new/modified habitat management areas in the Great South Channel/Southern New England sub-region.

A8 on Georges Bank Offers Protection for the Young of Key Groundfish Stocks

Figures reproduced from Memo to Council from Tom Nies, dated April 17, 2017.

Figures 5: Yellowtail Flounder

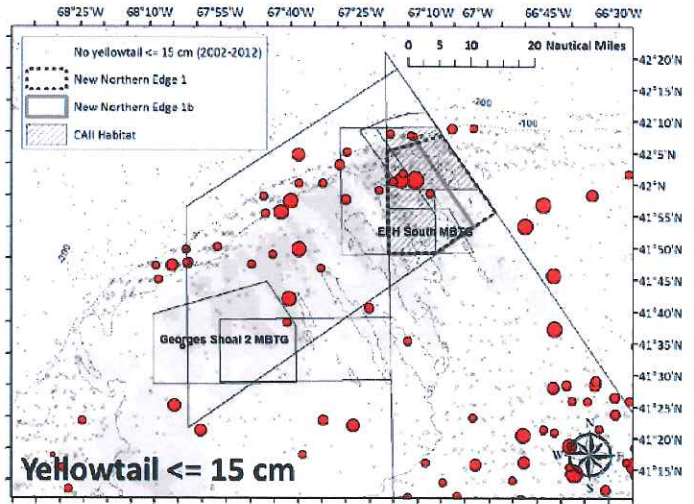


Figure 3: Atlantic Cod

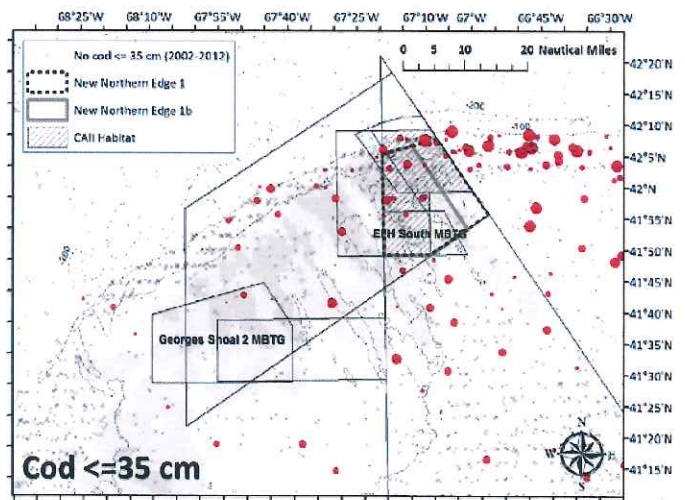
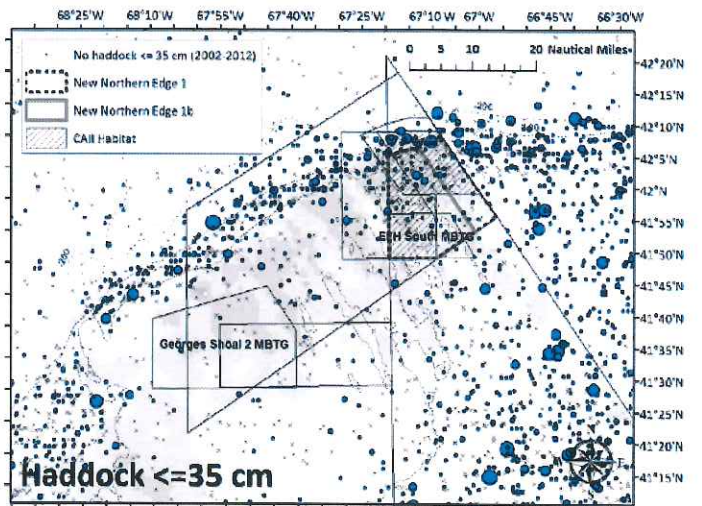
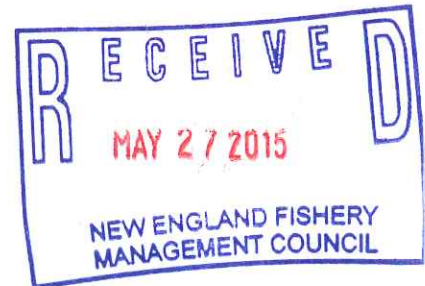


Figure 4: Haddock





Terry Stockwell, Chairman
Thomas J. Nies, Executive Director
New England Fisheries Management Council
50 Water Street, Mill 2
Newburyport, MA 01950



May 22, 2015

Dear Mr. Stockwell and Mr. Nies,

I am writing to you on behalf of the Herring Alliance to express our support for strong habitat protections in New England's offshore waters. We have followed the development of the Omnibus Habitat Amendment 2 (OHA2), specifically with regard to how it will enhance protections for forage fish. In general, the alternatives presented in the Draft Environmental Impact Statement (DEIS) do not go far enough to protect forage species. Most of these alternatives will not improve protections for Atlantic herring, which are directly managed by the New England Fishery Management Council, nor will they protect those species that are managed by the state but spend time at sea, such as river herring, shad and menhaden.

The location of river herring concentrations at sea were identified during the development of Amendment 5 to the herring FMP, and Atlantic herring spawning areas were identified in a recent stock assessment, but this information was not included in the development of the OHA2 alternatives. The alternatives that were chosen by the Council in April 2015 in the Gulf of Maine and the Great South Channel provide some limited protections for spawning Atlantic herring. However, among the alternatives presented to the Council for Georges Bank, where a preferred alternative has not yet been selected, the one that affords the best protections for spawning herring is Alternative 8. The area encompassed by Alternative 8, and the Northern edge of Georges Bank as a whole, is a very important area for Atlantic herring reproduction.

Forage is an essential component of Essential Fish Habitat (EFH), supporting feeding and growth to maturity in dependent fish. The DEIS does not consider the potential adverse effects that the loss of prey fish might have on other managed species. Not only do herring have commercial value when harvested directly, but they are also food for larger fish like cod, striped bass and tuna, as well as seabirds and whales. All of these predators support industries of their own. It is especially important to protect Atlantic herring spawning areas because of the way that herring eggs adhere to the seafloor in "mats" of millions of eggs. These egg mats are particularly vulnerable to the mobile bottom-tending gear that the Council is considering restricting in the Habitat Management Areas (HMAs). Without abundant herring, other commercial and recreational fisheries will be negatively impacted, but these trade-offs are not analyzed in the DEIS. In addition, loss of herring biomass due to spawning disruption will lead to depleted

populations of other predators that are important for the ecological roles, such as seabirds and marine mammals.

Alternative 8 on Georges Bank is the only proposed Habitat Management Area in this sub-region that protects important herring spawning grounds on the Northern Edge of the Bank. In addition to the benefits for Atlantic herring, Alternative 8 has other qualities that make it the best choice for a HMA on Georges Bank. For example, all of the 23 species identified in the amendment have EFH designations that are included in the geographic scope of Alternative 8, even more than the No Action areas. This area also protects more habitat that has been identified as supporting groundfish species, and more areas where juvenile groundfish are found than any other alternative on Georges Bank besides No Action.

We hope that at the Council meeting in June, that the Council will make the best decision for the conservation of our shared marine resources and choose Alternative 8 on Georges Bank, which provides protections for many managed species at all of their life stages.

Sincerely,



Rob Moir, Ph.D.
President and Executive Director
Ocean River Institute

On behalf of the Herring Alliance



May 26, 2015

John Bullard
Regional Administrator
NOAA Fisheries - Northeast Regional Office
55 Great Republic Drive
Gloucester, MA 01930

Terry Stockwell
Chairman
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Frank Blount
Chairman of the Groundfish Committee
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

David Preble
Chairman of the Habitat Committee
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Dear John, Terry, Frank and David,

The Northeast Seafood Coalition (NSC) is a membership organization that represents 250 groundfish related fishing business entities. Collectively our members hold over 500 federal limited access multispecies permits. NSC membership is comprised of small, independent, entrepreneurial groundfish businesses that operate in the Gulf of Maine, Georges Bank and Southern New England.

Today, NSC is writing on behalf of our members that are directly impacted by the Georges Bank habitat management alternatives considered under the Omnibus Habitat Amendment (OHA2). Notably this includes NSC fishing members that are based in Southern New England / New Bedford which are enrolled in Northeast Fishery Sectors 7, 8, 9 and 13 but also includes NSC fishing members enrolled in Northeast Fishery Sectors 2 and 6. We are writing in specific reference to the New Georges Bank Alternative – Alternative 9.

OHA2 Process:

For many years NSC leadership has participated in a diligent and sincere manner in the OHA2 process. We've collaborated with the Associated Fisheries of Maine and Fisheries Survival Fund to put forth blended alternatives that were based upon scientific information made available by the Council. These efforts have been aimed at meeting the objectives of the Amendment and the suite of Magnuson requirements and standards.

On April 23, 2015, after years of industry participation and New England Fishery Management Council (Council) deliberation on the alternatives included in OHA2, the Council passed a motion to include a NEW habitat management alternative on Georges Bank, referred to as Alternative 9, to be analyzed and brought back for final action at the June Council meeting.

This "New" Georges Bank Alternative (Alternative 9) includes a substantially larger habitat management area (HMA) on the Northern Edge and adds a *groundfish mortality closure* on the Northern Edge that is nearly as large as the HMA *but only prohibits groundfish gear*. The Northern Edge HMA under Alternative 9 is contiguous to the Hague Line and precludes United States groundfish fishermen from approximately 25 miles of the shared boundary and 12 miles for the scallop fleet. Alternative 9 also

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proposes a large Georges Shoals HMA that is 13 miles north and 5 miles east of the Georges Shoal HMA considered under Alternative 7.

During the April meeting, Vito Giacalone, NSC Policy Advisor, publicly notified the Council that NSC could not support this New Alternative based on the process alone that occurred to create this alternative. Not only were the new habitat management areas (HMA) on the Northern Edge and the Georges Shoals contained in Alternative 9 constructed *without groundfish industry involvement* but a new and substantial groundfish mortality closure was offered without meaningful consultation with groundfish interests.

Although the newly constructed HMA on the Northern Edge may be within the realm of Council discussions and analyses to date, *the differential treatment that Alternative 9 places on the two areas on the Northern Edge (mortality closure area and habitat HMA area) for scallops and groundfish is a serious issue that falls clearly outside of all prior Council discussions.* Additionally, the newly constructed Georges Shoals HMA proposed in Alternative 9 is far outside the realm of what could be expected by groundfish interests based upon prior Council discussions.

NSC is thus grateful to the Council for their decision to defer final action on OHA2 until the June Council meeting to give impacted stakeholders an opportunity to consider the implications of the New Alternative – Alternative 9.

Newly Proposed Groundfish Mortality Closure on Northern Edge in Alternative 9:

The groundfish mortality area was constructed without groundfish consultation and it was offered with no clear biological purpose and / or objective. When asked numerous times at the Council meeting no one from the proposing side of Alternative 9, nor the Northeast Regional Office or Council staff, could provide an answer as to which stock or stocks were being protected / enhanced by the NEW Northern Edge mortality closure and why a closure was necessary as an additive measure to the groundfish output controlled management system already in place. As of the date of this letter NSC has yet to learn what the specific groundfish mortality objectives were when Alternative 9 was created. At this time we can only conclude that the objective was to provide access to valuable scallop grounds while providing the appearance of habitat protection at the explicit expense of groundfish fishermen.

Justification for this area as a groundfish mortality closure will now come after the fact. However, if the area was proposed as a habitat management area at least it would be a universally applicable closure to all MBTG and SASI / LISA evaluation could have been conducted. But to justify a mortality closure, especially into areas not currently closed (bump out west of 67 20) that applies only to one user group while exempting other MBTG should require a very high burden of justification and objective criteria.

Georges Bank West Habitat Management Area contained in Alternative 7:

As noted by NSC throughout the OHA2 process, the Georges Shoals area is a very important fishing ground for Georges Bank winter flounder and other groundfish stocks. NSC is acutely aware of this fact based on input received at countless meetings held over the years with our membership and other groundfish interests. The boundaries associated with Alternative 7, Georges Shoals West area, were designed to capture high scoring blocks on the SASI / LISA Cluster maps made available to the public.

Alternative 7 was created with great reservation as the two boundaries that extend north of 41 40 were drawn to capture high scoring blocks on the SASI / LISA Cluster maps.

Ultimately, groundfish fishermen compromised to the boundaries associated with the Georges Shoals West HMA under Alternative 7 because they knew they needed to utilize the SASI / LISA information to put forward a sound alternative for the Council's consideration under OHA2. This resulted in a serious tradeoff for these fishermen because they knew they were losing important fishing grounds.

Also, contrary to the views expressed by the Northeast Regional Office and Council's Plan Development Team (PDT) that the Georges Shoals West area contained in Alternative 7 is sparsely fished by groundfish vessels, our deeper inquiry suggests this is not the reality.

Furthermore, contrary to the data used to inform OHA2, many fishermen have described the Georges Shoals area in Alternative 7 as notorious for juvenile cod habitat. It is concerning that this is not reflected in the charts and other data used in this Amendment. If numerous fishermen describe this area as a known juvenile cod habitat area - the Council should question why there is little or no supporting data contained in OHA2. Perhaps the trawl survey does not tow the Georges Shoals area with enough frequency to provide sufficient data for that area? Perhaps there could be a seasonal component that is not being captured in the data? Perhaps there are limited scallop surveys and thus minimal survey data available for the Georges Shoals area? This is an important topic NSC urges the Council to address before making any final decisions.

Georges Bank Shoals (NEW) HMA contained in Alternative 9:

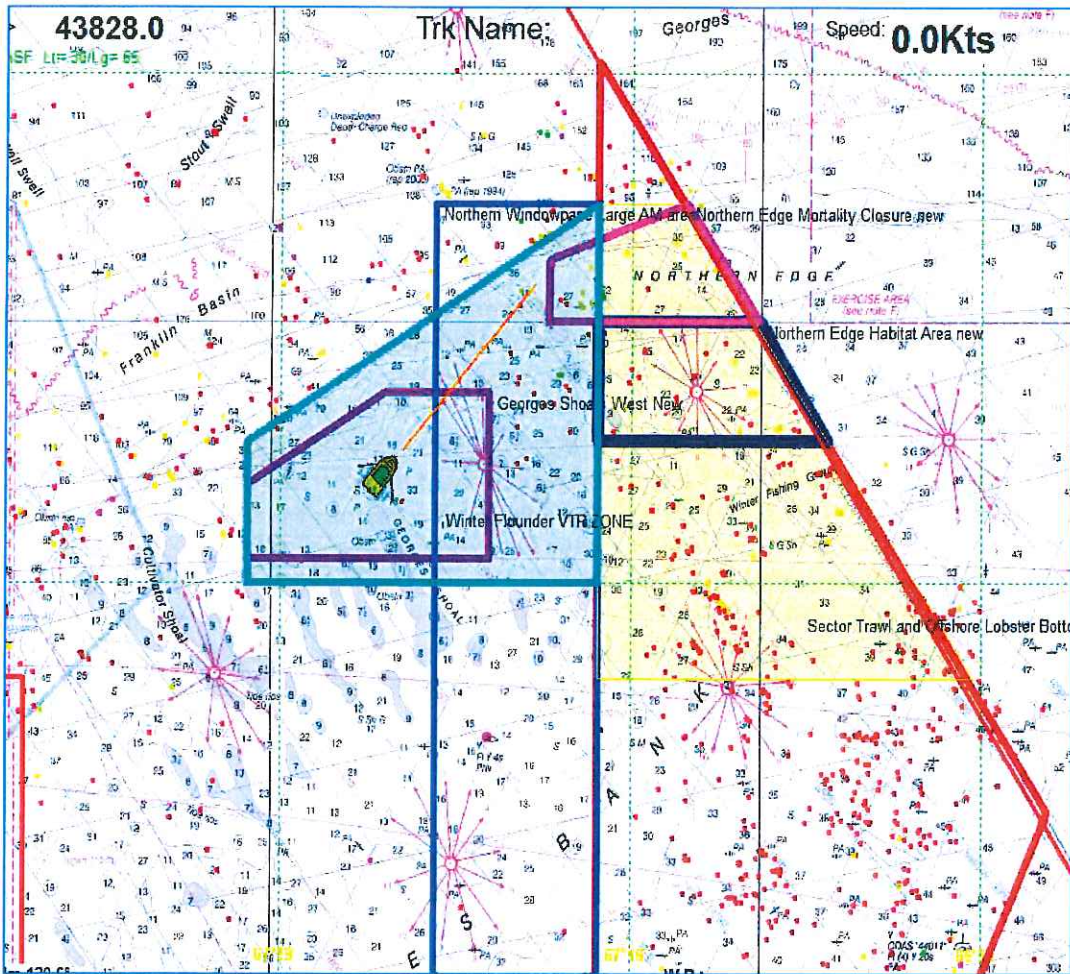
Since the April Council meeting, NSC leadership has spoken with many of our fishing members, other groundfish industry members and reviewed available groundfish fishing data for the Georges Shoals.

We strongly urge the Council to consider the following data review conducted for groundfish fishing activity on the Georges Shoals area contained in Alternative 9.

The figure provided below displays the current Alternative 9 boundaries (outlined in purple) on the Georges Shoals combined with the most recent five years of groundfish fishing activity.

Groundfish fishing activity was identified by gathering and plotting point location (blue box) from Vessel Trip Reports (VTR) available on the NOAA Fisheries Sector Information Management Module (SIMM) for Northeast Fishery Sectors (NEFS) 7, 8, 9 and 13 for Fishing Years 2010 through 2014. NSC plotted the vessel reported point location for all VTRs that had at least 3,000 pounds of winter flounder documented as kept catch from statistical area 522. NSC used the point location because an industry standard for most captains is to document the area in which they have spent the majority of time/activity in the Lat/Long fields of a VTR page.

The fishing data plotted below represents fishing activity of 42 unique vessels that have conducted at least one trip (or a portion of a trip) in the last five fishing years (2010-2014). These trips landed nearly eight million pounds of Georges Bank winter flounder ALONE.



This groundfish data review provides a snap shot of the historical importance to the majority of groundfish vessels who fish in the proposed Georges Shoals HMA now considered under Alternative 9. The Council’s analysis for Alternative 9 can easily elaborate on this data review by looking at the vessel track information available for all groundfish vessels provided by the Northeast Regional Office who have fished in this area, not just vessels enrolled in Northeast Fishery Sector 7, 8, 9 and 13. Notably this would include Northeast Fishery Sector 2 and 6 as well as those enrolled in the Sustainable Harvest Sector.

This review, which has been confirmed by our recent discussions with our groundfish members and other groundfish interests, clearly reveals **great economic impacts will occur to the groundfish fishery under the newly proposed HMA for the Georges Shoals area included in Alternative 9.** The impacts to the groundfish fishery, exclusively, should serve as confirmation to the Council’s wise decision to delay a final vote until more analysis and public input was provided for this NEW Alternative.

Conclusion and NSC Recommendation:

As the Council discusses the Georges Bank alternatives in the days ahead, **NSC expects that the groundfish industry’s interests will be considered no less important than any other fishery managed**

under the Council and NOAA Fisheries process. Equitable treatment must be applied at each and every step in the evaluation process when considering alternatives. The interests of struggling groundfish fishermen who have endured years of progressive management reform cannot be placed at a different level than any other fishery.

To conclude, it will be the collective result of the combination of areas and treatments selected by the Council on Georges Bank Northern Edge and the Georges Shoals that truly matters to NSC and our membership. Alternative 9 does propose substantially increased habitat protected areas on the Northern Edge as compared to Alternative 7. Notwithstanding the issue of differential treatment resulting from a groundfish mortality closure included under Alternative 9, the George Shoals West HMA that is contained in Alternative 7 should be considered in the context of a complete alternative on Georges Bank.

Thank you for the opportunity to provide meaningful input on behalf of NSC groundfish fishing members directly impacted by the Georges Bank alternatives considered under OHA2.

Sincerely,

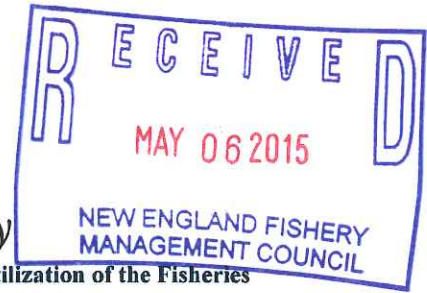


Jackie Odell
Executive Director



American Fisheries Society

Organized 1870 to Promote the Conservation, Development and Wise Utilization of the Fisheries
5410 Grosvenor Lane, Suite 110 * Bethesda, Maryland 20814-2199
301-897-8616 * FAX 301-897-8096 * www.fisheries.org



Donna L. Parrish
President 2014-2015

Douglas J. Austen
Executive Director

May 6, 2015

Daniel Basta
Director
NOAA/NOS Office of National Marine Sanctuaries
1305 East West Highway
N/NMS, 11th Floor
Silver Spring, MD 20910

Dear Mr. Basta:

I write on behalf of the American Fisheries Society (AFS), the world's oldest and largest professional society of fisheries professionals. Since 1870, AFS has worked tirelessly to strengthen the fisheries profession, advance fisheries sciences, and conserve fisheries resources. With more than 7,000 members around the world, the Society's interests include fish, the ecosystems that support them, the cultural and social-economic aspects of fishing industry sectors, and all other connections to fish and their habitats. AFS appreciates the opportunity to contribute to NOAA's current efforts to consider nominations for national marine sanctuaries, a process that promises to benefit marine ecosystems and the services they provide.

NOAA's deliberative process on sanctuary site consideration mirrors AFS's interests in marine conservation. With leadership from its Marine Fisheries Section, AFS (1988) adopted a policy on Marine Wilderness. As explained by Bohnsack et al. (1989), AFS offered a definition, justification, purpose, and practical considerations that considered global marine wilderness efforts, including NOAA's National Marine Sanctuary Program. By design, AFS went beyond most existing programs by focusing on a "unique or representative ecosystem . . . set aside, or 'protected' for non-consumptive usage" (Bohnsack et al., 1989). The Society's intent, reflecting the considered opinions of its Marine Fisheries Section, was to protect more than a single feature and to focus on intact ecosystems. AFS's policy also encouraged an open discussion about non-consumptive uses and prohibited activities, with clear operational criteria for action to ensure successful implementation.

AFS has a deep commitment to the natural and social sciences, with parallel interests in applying that knowledge to sustain healthy ecosystems and their services. Special underwater places with unique fauna deserve special attention. Efforts by National Marine Sanctuary Program scientists and their partners to understand and predict natural and human-caused changes mirror the primary interests of AFS members and their host institutions.

The Society's interests in these issues are a priority for our Resource Policy Committee, which is considering a review and revision of our 1988 policy. That interest was sparked by several AFS members in 2014 and also the long-term interest of our Policy Director, Tom Bigford, in marine conservation (member of the Marine Fisheries Section and Resource Policy Committee, and President-elect of the Fish Habitat Section). Earlier in his career, Mr. Bigford served as a consultant to NOAA as nominations matured into designations for the Gray's Reef, Looe Key, Flower Garden Banks, Channel Island, Monterey Bay, and Point Reyes/Gulf of the Farallones National Marine Sanctuaries. He was also involved in the effort to designate a sanctuary in Norfolk Canyon and the later, and more successful, effort to designate the Gerry E. Studds Stellwagen Bank site. Other Society members, including several authors of the 1988 policy, have conducted research in national marine sanctuaries or followed the history of marine protected areas. Together, that background validates our interest in the sanctuary nomination process.

AFS members and our Marine Wilderness policy reflect a commitment to special marine ecosystems off all of our coasts. Based on that interest, AFS stands ready to connect its members, their wisdom, and their institutional interests to sites under consideration for sanctuary designation. Based on interest expressed by its members and partners, AFS takes special interest in the offshore canyons and seamounts off southern New England and the mid-Atlantic, which clearly fit the geographic and ecological intent expressed in the AFS policy. Other sites certainly deserve consideration during your nomination process.

The New England and Mid-Atlantic coral canyons and seamounts represent a special slice of our offshore waters. The dynamic ocean environment, documented in recent years by NOAA undersea cameras, attracts a striking array of ocean wildlife, including whales, sea turtles, commercially important fishes, and sea birds. Several observed species are iconic – sperm whales and North Atlantic right whales – and are among those that support vibrant wildlife watching ventures in southern New England and the Mid-Atlantic. The longitudinal size of these canyons vary, often extending from the upper shelf to the abyssal plain, but generally the grand scale serves to highlight the ecological and economic value of these deep systems and their overlying waters. For example, the far reaches of most canyons support recreational fishing and seabird viewing industries. AFS may be able to assist on those challenging questions related to potential sanctuary boundaries.

Off southern New England, seven undersea canyons and four nearby seamounts support remarkable marine richness and diversity. The seamounts (Bear, Mytilus, Physalia, and Retriever) and canyons (Veatch, Hydrographer, Oceanographer, Lydonia, Gilbert, Nygren, and Heezen) support diverse and fragile habitats, including ancient coral gardens just now being studied by scientists and understood by resource managers. Lydonia and Oceanographer canyons support monkfish, mackerel, squid, and butterfish fisheries. Bottom trawling has been prohibited since 2005 to protect canyon features and species, and the New England Fishery Management Council is considering management of most of those areas based on newly-discovered deep-sea coral assemblages.

Our interests in the mid-Atlantic extend southward from the canyons off Long Island (Veatch and Hydrographer, among others) to Hudson, Baltimore, and Norfolk Canyons, the dominant ecosystem features on the continental shelf break north of Cape Hatteras. Those sunken river valleys provide haven to many of the species mentioned above, plus the golden tilefish. The Mid-Atlantic Fishery Management Council has conducted public meetings and workshops this year regarding proposals to protect deep-sea corals inhabiting these offshore canyons.

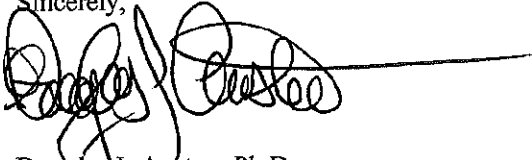
Any nomination in the jurisdiction of the New England or Mid-Atlantic Fishery Management Councils would provide the National Marine Sanctuary Program with a great opportunity to work with the Council and fishing industry sectors on fishery management issues. Important discussions would lead to alternatives to fold management into a sanctuary designation or to enhance fishery management directly through the Council's authorities. For example, the Mid-Atlantic Council could recommend broad zones that would "freeze the fishing footprint" and/or designate up to 15 discrete zones around specific canyons. That choice of fishery management via Council or sanctuary action occurs at each nominated site. For both Councils, it is encouraging to see continued evaluation of special zones that may relate to a possible sanctuary nomination and eventually to the National Marine Protected Area registry.

The sanctuary nomination process offers a special opportunity to consider the potential impacts from human disturbances beyond fishing and including mining, fossil fuel extraction, cable installations, defense activities, and other actions. Long-term management of these canyons and seamounts, with appropriate rules developed in collaboration with affected industries, will balance appropriate use with their status as thriving biodiversity hot spots and living marine laboratories. Management decisions will afford the opportunity to build resiliency against the impacts of climate change and ocean acidification, which is occurring as more carbon dioxide is absorbed by the ocean and makes it more difficult for corals and other marine animals to generate skeletons and shells. Whereas special management areas cannot prevent ocean warming and acidification, they can help preserve genetic diversity, which will be vital for the ocean's inhabitants to be able to withstand more acidic and warmer conditions.

NOAA's nomination process is the appropriate time to catalog these deep sea ecosystems and consider options for stronger management, including research and education. For these reasons, the American Fisheries Society supports thorough consideration of the New England and mid-Atlantic coral canyons and seamounts area as national marine sanctuaries, beginning with nomination and then with sharpening clarity as the National Marine Sanctuary Program works with public and private partners.

Thank you for your work to recognize and protect America's outstanding marine treasures.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas J. Austen", with a long horizontal line extending to the right.

Douglas J. Austen, Ph.D.
AFS Executive Director

cc:

AFS President, Donna Parrish, Ph.D.
AFS President elect, Ron Essig
AFS First Vice President, Joseph Margraf, Ph.D.
AFS Second Vice President, Steve McMullin, Ph.D.
AFS Immediate Past President, Robert M. Hughes, Ph.D.
AFS Marine Fisheries Section President, Benjamin Walther, Ph.D.
AFS Northeastern Division President, John Cooper, Ph.D.

AFS Resource Policy Committee Chair, Leanne Roulson
AFS Policy Director, Tom Bigford
New England Fishery Management Council, Executive Director Tom Nies
Mid-Atlantic Fishery Management Council, Executive Director Christopher Moore
NOAA National Marine Fisheries Service, Greater Atlantic Regional Office, Regional Administrator
John Bullard

Literature Cited

American Fisheries Society. 1988. Report on the Concept of Marine Wilderness. AFS Policy Statement #18. AFS, Bethesda, Maryland. 4 pp. (accessed on April 28, 2015, at http://fisheries.org/docs/policy_statements/policy_18f.pdf)

Bohnsack, James, A., Herb Kumpf, Edmund Hobson, Kenneth W. Able, and Stephen V. Ralston. 1989. Report on the Concept of Marine Wilderness by the Ad hoc Committee on Marine Wilderness. *Fisheries* 14(5):22-24. (accessed on April 28, 2015, at <http://www.tandfonline.com/doi/pdf/10.1577/1548-8446-14-5>)

2

To: Tom Nies, Executive Director NEFMC
From: David H. Wallace,
Wallace Associates
Date: May 1, 2015
Subject: Georges Bank Proposed Closed Area



Dear Tom,

I was pleased to hear that the NEFMC would still accept new proposals after the NGOs requested that they be allowed to submit new ideas for analysis and consideration at the last Council meeting. I am therefore submitting the following proposal on behalf of the surf clam and ocean quahog industry. This proposal relates specifically to Georges Bank and was developed in consultation with the three vessels that fish the area, and the processing plant in New Bedford which employs 350 Massachusetts residents. This industry is worth approximately 100 million dollars to Massachusetts and RI, so it extremely important for the Council and NOAA to take actions that do not disrupt this important aspect of the local N.E. economy.

The clam industry originally supported GB alternative 7, as a compromises position, under the provision that clam dredging would be an exempt gear. NOAA fisheries recently put the Council on notice that it would be extremely difficult for them to support that exemption. In the absence of that exemption the clam industry has always support status quo on Georges Bank. The clam industry still supports that alternative. However, there have been many new proposals for Georges Bank that would cause great harm to the clam fishery. I note that this offshore fishery was developed in the last four years at great expense by NOAA, N.E States and industry, through the development of the PSP testing protocol that cost millions of dollars in government and industry funds.

As noted above, we were extremely disappointed and surprised at some of the recent Georges Bank proposals, since they were drafted with the clear intent of minimizing impacts on the scallop and groundfish industry, at the expense of the clam industry. As the DEIS documents, some of these alternatives clearly don't pass the straight face test as they propose to close areas where there are neither significant groundfish or scallop resources, or fisheries, and some of areas /alternatives only contain high energy sand and gravel. This is the same strategy that was used on Nantucket Shoals, where advocates proposed the closure of active clam grounds, in order to avoid closures in the Great South Channel which contains the majority of the complex boulder and cobble habitat.

Today the clam fishery is faced with the same problem on Georges Bank. Interest groups want to close areas that are heavily fished by the clam industry , in exchange for re-opening some closed areas or avoiding closures where the groundfish and scallop industry fish. Since one of the main objectives of this Amendment is to protect complex habitat and groundfish, we need to get back to those objectives and focus on the results of the extensive scientific analysis that has been developed during the last ten years.

The clam industry proposes the following area be closed to all bottom tending mobile fishing gear without exceptions, including hydraulic clam dredging. I note that this area contains some very valuable

mb - 5/1/15

surf clam fishing grounds as identified by the NOAA clam survey. This proposed area was developed using information from the SASI and LISA clusters models, and contains a large percentage of key habitat areas that the PDT identified as needing protection. This proposal would be in addition to the mortality and Eastern GB closures. This proposal would replace the proposal made at the last meeting by Rick Robbins, Chairman of the Mid- Atlantic Council and members of the scallop industry, and would replace the Georges Bank Western Area. The area falls primarily within the boundaries of Alternative 8 which was analyzed by your staff.

41°50' N	67°20' W
41°50' N	67°40' W
42°05' N	67°40' W
42°05' N	67°26' W
42°00' N	67°26' W
42°00' N	67°20' W
41°50' N	67°20' W

This area should be relatively easy to enforce as the size is large and boundaries straight lines

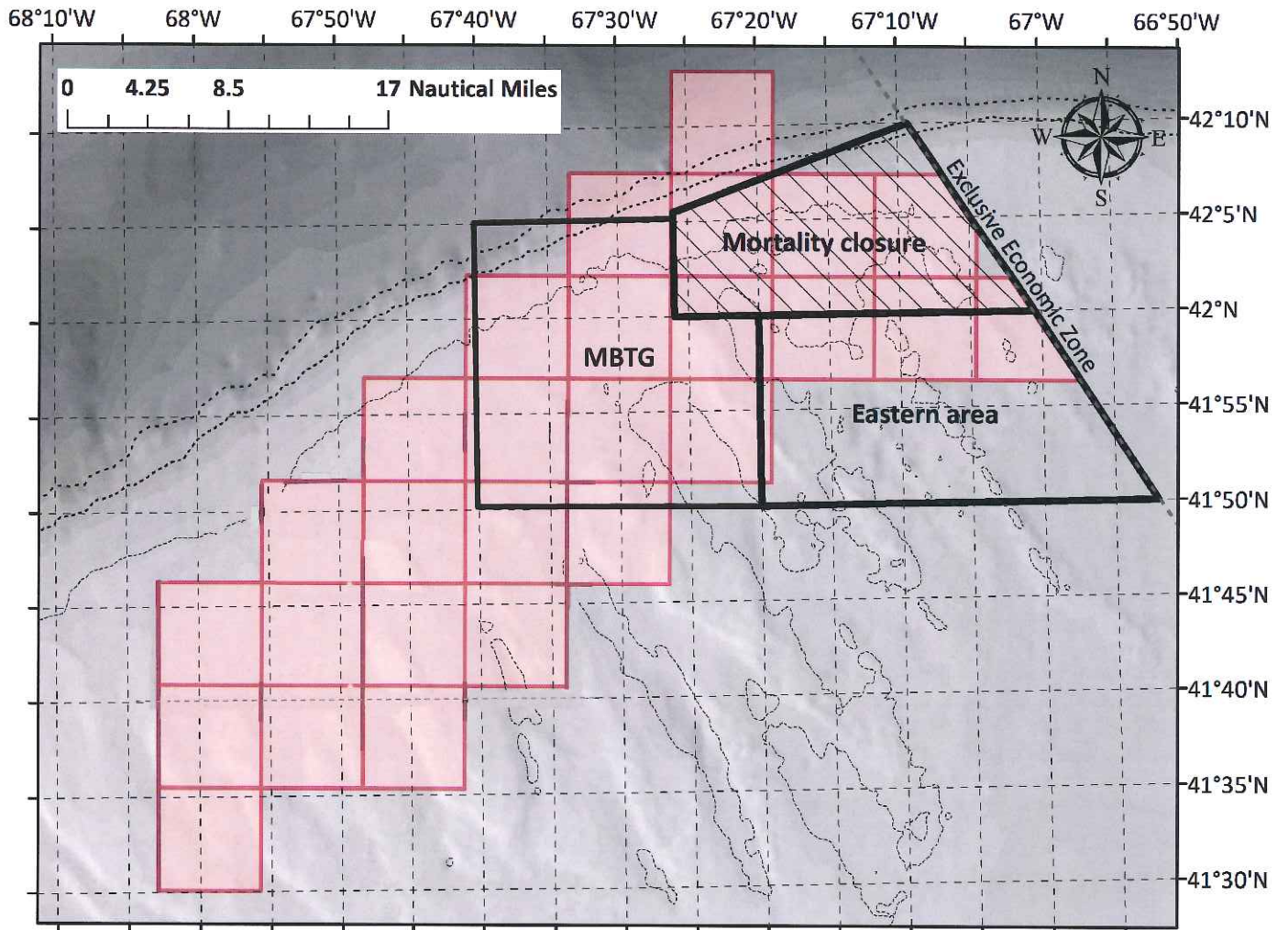
Thank you for doing the analysis on the clam industry's proposal. It is the right and fair thing to do.

Best,

Dave,

Cc:

Terry Stockwell
Rick Robins
Lee Anderson
Chris More
Michelle Bachman
Clam Industry Members





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*

May 4, 2015

Mr. David H. Wallace
Wallace & Associates
1142 Hudson Road
Cambridge, MD 21623 3234

Dear Dave:

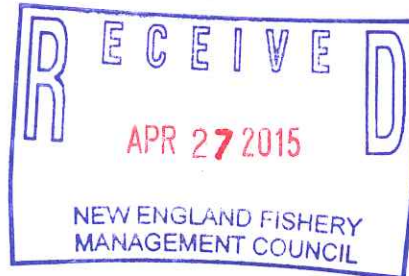
Thank-you for your letter that submits a proposed Georges Bank habitat management area for consideration. I wish to clarify a misconception. While the idea of accepting an additional Georges Bank proposal was discussed at the April Council meeting, the Council did not adopt this suggestion. Absent further direction from the Council, your alternative will not be analyzed prior to the June Council meeting. We will, of course, distribute your proposal to Council members.

Please contact me if you have questions.

Sincerely,

Thomas A. Nies
Executive Director

cc: Council Members



Mr. John Bullard, Regional Administrator
NOAA Fisheries Service, Northeast Regional Office
55 Great Republic Drive
Gloucester, MA 01930-2276

Dear Mr. Bullard:

Questions concerning the practicability of Alternative 8 have come up several times, including in our meeting with you and your staff at the regional office (April 8) and at the Council meeting (April 23) in Mystic. Given the particular prominence given to practicability as an adjustment factor for protecting essential fish habitat from fishing gear impacts, we believe that it is critical that the public have access to accurate data.

Specifically, the data on scallops along the Northern edge of Georges Bank, as reported in DEIS Volume 3, Table 140, obviously do not align with various other sources of information including data presented in SAFE reports. This discrepancy appears to be well known among Council and Agency staff (e.g., memo from Tom Nies dated April 19) and we believe data corrections and additional analysis are available on this issue. Scallops are the major driver of practicability analyses and thus corrections to the scallop data are expected to change the practicability of Alternative 8 relative to other alternatives, including the Committee's recommendation (Alternative 7) and the new industry alternative welcomed by the Council after the public comment period closed. The agency's letter to the Council (April 16) is quite specific about alternatives that may or may not be approvable and discusses economic practicability of possible HMA decisions for the southern area. We have to assume that your letter and your framing comments at the Council meeting were informed by up-to-date information on scallops and practicability. However, no reevaluation of scallop data nor economic practicability for Georges Bank alternatives have been made public.

In order to allow public commentary on the alternatives, including the new scallop industry proposal, could you provide us with the most current information that you and your staff have on scallops and surf clams, and the expected economic impact of Alternative #8 on Georges Bank, taking into account any gains expected as a result of opening the No Action closures including Georges Bank Closed Area I and Closed Area II, and the closures in the Nantucket Lightship area. We would appreciate your inclusion of all briefing materials prepared for your use at the April Council meeting and in preparation of your letter addressed to the Council, dated April 16, 2015. We would also appreciate it if you would include any new information and conclusions bearing on the practicability determinations as reported in the DEIS for Georges Bank and the Great South Channel.

mb - 4/28/15



conservation law foundation

We are not able to make informed decisions about the DEIS without the corrected information we have requested and hope that we can get this information without going through a more formal process. Specifically corrected information on shellfish resources available (benefits) due to opening the No Action areas listed above and the expected losses associated with Alternative 8 and other alternatives being given serious consideration by the Council are fundamental for informed public review of the alternatives, which you have championed as being central to the success of fishery management planning. Because of critical choices we have to make, we would appreciate this information by Friday May 1, 2015.

Thank you,

A handwritten signature in black ink, appearing to read 'Peter Shelley', is written over the 'Thank you,' text.

Peter Shelley
Interim President

2

From: Beth Casoni

Sent: Friday, April 24, 2015 12:21 PM

To: Beth Casoni; Libby Etrie; Terry Alexander; Frank Blount; David Preble; David Pierce; Tom Nies; Terry Stockwell; Barry Gibson; Doug Grout; Dave Waldrip; 'Charlie Wade'; 'Lou Gainor'; 'Vito Giacalone'; Vito Giacalone; 'Thomas Benjamin (HOU)'; 'Jim Quigley'; 'Valanzola Jared (SEN)'; John Bullard; 'John Pappalardo'; Ellen Goethel; John Quinn; Matt McKenzie; Vincent Balzano; Mary Beth Tooley; Mark Gibson; Michael Sissenwine; Peter Kendall; Rich Ruais; 'Ralph Pratt'; Shah, Hiram (SEN); 'Robert.Hedlund@masenate.gov'; 'Cantwell, James - Rep. (HOU)'; 'Sarah Peake'; 'Brett D. Veerhusen'

Subject: Thank you for "NOT" supporting the DHRA

Good morning everyone,

I would like to say "Thank you" to the New England Fisheries Management Council members for their thoughtful consideration to "NOT" support the proposed DHRA on Stellwagen Bank (Bank).

As you are aware the Massachusetts Lobstermen's Association has many charter boat members currently fishing out on the Bank and this proposed DHRA, should it have been accepted, would have been catastrophic to their businesses along with all of the shore-side businesses they support.

The continued support from several fishing industry organizations and the political support were unprecedented. We will continue to work collectively to keep the fishermen fishing and the scientific approach reasonable.

The "idea" of a DHRA is notable, just not in prime fishing grounds historically being fished.

Moving forward, we are hopeful to continue to work with the Council, fishing industry and legislators alike so not create or cause any further undue stress for everyone involved.

Should you have any questions or concerns please feel free to call or email me.

Kind regards,

Beth Casoni, Executive Director
Massachusetts Lobstermen's Association
8 Otis Place~Scituate, MA 02066
o. 781-545-6984 c. 508-738-1245

www.lobstermen.com



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