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**New England Fishery Management Council  
Habitat/MPA/Ecosystems Committee  
November 14, 2008  
Mansfield, MA**

**Committee Members:** Mr. David Preble (Chair), Mr. David Goethel (Vice Chair), Mr. Jim Fair, Mr. Terry Stockwell, Mr. Dennis Spitsbergen, Mr. Lou Chiarella and Mr. Doug Grout  
**Council Staff:** Mr. Chad Demarest (PDT Chair)  
**NMFS Staff:** Dr. David Stevenson  
**Others:** Approximately 7 audience members

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The Habitat/MPA/Ecosystems Committee met in Mansfield, MA on November 14, 2008 to discuss issues related to the Draft Environmental Impact Statement (DSEIS) for Phase II of the Essential Fish Habitat (EFH) Omnibus Amendment 2, an independent review of this Amendment by the Council's SSC, and other issues.

**Non-fisheries marine resource use issues**

The Chair added an item to the agenda to address the emerging issue of offshore power generation facilities in federal waters, in particular a proposed site off the Rhode Island (RI) coast. The Chair noted that a wind energy proposal previously scoped under the RI Special Area Management Plan and intended to be placed inside State waters was recently revised to potentially include sites in federal waters, and it was noted that the New England (NE) Council was not on the distribution list for this project. Several Committee members expressed concern about the ad hoc nature of offshore development, and noted that the Council had a detailed set of concerns specific to the Cape Wind Energy project that are likely to be applicable to other wind energy generating projects. One Committee member noted that, at some point, the proposal would enter a consultative or scoping phase, and that the Council would be well advised to get involved at that point. Another Council member stated that the Council should engage in these processes strategically and not necessarily respond individually to a proliferating set of offshore development proposals.

**Motion 1**

Mr. Goethel moves and Mr. Grout seconds,  
*that the Habitat Committee recommends the Council craft a template letter to project proponents and regulating agencies detailing the potential aspects of offshore energy generating facilities/projects that may have an adverse impact on essential fish habitat, fishing grounds and fishermen.*

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Motion carried 6/0/0

### *Discussion on the motion*

The Mid-Atlantic Fishery Management Council should be sent a copy of the letter. The Atlantic States Marine Fisheries Commission is undergoing a comprehensive assessment of issues that need to be addressed in these sorts of development proposals. This assessment should be complete by the spring of 2009, and it may provide further assistance to the NE Council in responding to offshore development proposals.

### **Omnibus Amendment 2 Phase II Development - timeline**

The Chair and PDT Chair provided an overview of the updated timeline and the requirements underpinning deadlines.

In addition to legal mandates to review Essential Fish Habitat (EFH) definitions and assess any adverse impacts from fishing to EFH contained in the Magnuson Stevens Act (MSA), the Council has previously noted their preference that the Omnibus Am be completed and submitted prior to the Scallop Am 16 submission date, which will be in the summer of 2010. The hope is that the Omnibus Am will resolve the outstanding Closed Area (CA) I habitat closure boundary difference that exists between the groundfish and scallop FMPs. If the Omnibus Habitat Am does not resolve this difference, then additional alternatives will be required in Scallop Am 16 to allow the scallop fishery maximum flexibility in determining appropriate management strategies—an objective that the Council has previously stated.

### *Committee discussion*

Several Committee members expressed concern that the timeline as presented was not realistic. In particular, the independent (SSC) review will likely require more time than allotted to ensure the review panel has enough time to prepare a report and for the PDT to resolve any outstanding issues. The Alternative Development phase appeared too compressed, and did not seem to allow for sufficient back-and-forth development between the PDT, Committee and Advisory Panel. The Committee noted that with the Acceptable Catch Level requirements in 2010/2011, the Council and SSC's time would be nearly 100% occupied.

The first issue addressed was the SSC review. The Committee understood that the SSC workload was such that if the SSC did not review the Phase II work in March of 2009, the next available time would be in the fall of 2009. Several Committee members stated that the objective should be to conduct the review as soon as possible in March, 2009 if at all possible.

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The next issue was the timing of the Alternative Development phase. Several Committee members noted that it would be advantageous to involve the AP and public in this phase as well. The Committee crafted the following schedule:

- SSC review first week, March 2009
- SSC report due March 30
- Committee meeting - SSC results early April
- PDT follow-up to SSC report through May 1
- Committee meeting - prelim. Alt dev. early May
- PDT develop alternatives by May 15
- Advisory panel meeting late May/early June
- Committee meeting – final Alt dev. mid-June
- Council – receive suite of alternatives September

Staff notes that this will be incorporated into a memo to the Council Executive Director and Council Chair. It was also noted that the next Committee meeting would need to be in mid January and that documents would need to be completed by early February to ensure adequate time for SSC members to review them.

## **Omnibus Amendment 2 Phase II Development – SSC Review TORs**

### **Motion 2**

Mr. Stockwell moves and Mr. Grout seconds,  
*that the Habitat Committee recommends the Council adopt the amended Terms of Reference for SSC review of the Omnibus Phase II analysis.*

Motion carried 6/0/0

### Amended Terms of Reference for SSC review of the Omnibus Phase II analysis

*Evaluate the sufficiency of the vulnerability assessment and spatial model as a basis for crafting and analyzing alternatives to minimize to the extent practicable the adverse effects from fishing on essential fish habitat. Specifically, provide the Council with commentary on the adequacy of the following components:*

1. **Literature review**
  - a. Is the literature review comprehensive and well developed?
  - b. Does it provide an adequate basis for the VA?
  - c. Does it adequately capture sources of uncertainty?
2. **Vulnerability Assessment**
  - a. Is the Assessment structure appropriate to its intended use?
  - b. Are the Assessment results consistent with the published literature? In cases where results are extrapolated are these cases treated appropriately?
  - c. Are sources of uncertainty adequately carried forward from the literature review?
3. **Spatial model**
  - a. Is the model structure appropriate to its intended use?

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- b. Are the data inputs characterized appropriately?
  - i. Habitat classifications
  - ii. Energy environments/natural disturbance
  - iii. Fishing effort
- c. Do the model results make sense in the context of fishery management decision making?
- d. Are the uncertainties previously noted adequately addressed?

### *Committee discussion*

Several Committee members stated that the Draft TORs as proposed were too general.

The Committee specified that a minimum of two habitat types and two gear types should be run through the complete matrix-mapping-spatial model routine prior to the SSC review, and requested an update on this at the next Committee meeting.

### **Omnibus Amendment 2 Phase II Development – Vulnerability Assessment**

Staff provided a presentation on the ongoing development of the Phase II assessment and associated modeling.

### *Committee discussion*

One Committee member wanted to understand what types of biota would be considered under the classification scheme presented. Staff indicated that a comprehensive table would be developed to link the classifications to the organisms being classified. A Committee member wondered how or if slime eel traps would be considered. Staff indicated that a description of the gear would be included in the text, but that hagfish traps were not being considered as a primary gear type for the matrices or spatial model. Another member stated that monkfish trawls should not be disaggregated, and that rope sweep trawls should be. A Committee member asked how the movement of fixed gear traps and lines on hauling and in storms would be considered.

In regard to the staff presentation on the Swept Area Seabed Impact (SASI) model, with trawl gears used for example, a Committee member noted that it may not be appropriate to apply the same Sensitivity metric to all gear components (e.g. doors, cables, sweep) as presented. Another Committee member wanted to be sure that the Council is clear on what this analysis can and cannot demonstrate, and cautioned that the results may be subject to misinterpretation.

A Committee member requested to see a fixed gear version of the SASI model.

### *Audience discussion*

Ron Smolowitz (Fisheries Survival Fund) noted that the matrix values for some fixed gear fisheries like lobster would need to be very carefully considered because they will be multiplied by large numbers when fishing effort is summed across the gear types. He also noted that the lack of a seasonality component may be a critical omission because

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organisms are often present in primary fishing grounds on a seasonal basis. Mr. Smolowitz also was concerned that model development may be rushed given the timelines already discussed. Finally, he supported a simplified version of the model that focused on raw area swept.

The meeting adjourned at approximately 4:30 PM.