



**New England Fishery Management Council
Habitat/MPA/Ecosystems Committee
October 2, 2008
Plymouth, MA**

- Committee Members:** Mr. David Preble (Chair), Mr. David Goethel (Vice Chair), Mr. Jim Fair, Mr. Lou Chiarella and Mr. Doug Grout
- Council Staff:** Mr. Chad Demarest (PDT Chair)
- NMFS Staff:** Dr. David Stevenson
- Others:** Approximately 8 audience members

The Habitat/MPA/Ecosystems Committee met in Plymouth, MA on October 2, 2008 to discuss issues related to the Draft Environmental Impact Statement (DSEIS) for Phase II of the Essential Fish Habitat (EFH) Omnibus Amendment 2, and to discuss Council comments on the Advanced Notice of Preliminary Rulemaking for Section 304 of the National Marine Sanctuaries Act.

Phase II Development

The PDT Chair provided an overview of the updated timeline, which called for an independent review of the Habitat PDT's work by the SSC in November of 2008 and a final submission of the document in October of 2009. Staff commented that this was moved back about three months from the previous timeline. This does not present a problem for other fishery management plan amendments in progress.

Committee discussion

One Committee member noted that several blocks on the timeline have dates that have passed without action, in particular a review of the Gear Effects analysis. Staff explained that this has been folded in to the Vulnerability Assessment. The Committee noted that, even if this is the case, the completed items at this point do not appear to warrant independent review. Another Committee member suggested we table this discussion until after hearing about the PDT's work on Phase II, and the Chair tabled the discussion until the end of the meeting.

The PDT Chair provided a power point presentation on the work that the PDT has completed on Phase II, based on an outline of the document the PDT intends to present to the Committee

and Council as a basis for developing alternatives for minimizing the adverse impacts of fishing on habitat, to the extent practicable.

Committee discussion

One Committee member asked how we might reconcile data quality metrics with the assumption of a static condition for substrates and benthos that will underlie the mapping portion of the assessment. Staff stated that we would investigate how best to incorporate this, but the data quality metrics were intended to reflect the quality and relevance of the peer reviewed work that formed the basis for PDT decisions within the matrix.

Another Committee member stated that a discussion of “adverse” impacts was needed. As an example, he cited measureable versus non-measurable impacts to a species preference for habitats. The importance of including up front in the document any uncertainties and our inability to measure habitat-species interactions was re-iterated. The Committee stated that such discussions should not be buried in the fine print. The Chair noted that what we are setting out to do in the Vulnerability Assessment is inherently qualitative, but that over time, with better research, more quantitative information could be incorporated. That would not take place during this assessment, however.

A Committee member inquired about including the impacts of anchors for recreational fishing vessels as a gear type in the assessment. Staff indicated that this would be difficult without data showing the magnitude and extent of the issue, but noted that research may be sufficient to show hypothetical impacts of such activities within the assessment matrix.

The Committee wanted to know the cut-off values for the five sediment classifications, which are included in Table 1 at the end of this summary.

A Committee member sought clarification on the relationship between natural and fishing habitat disturbance, asking essentially if an adverse impact would be one where the fishing disturbance was greater than the natural disturbance. Staff replied that this was a reasonable explanation of the basic algebra that the PDT was using.

A Committee member sought clarification on the grid structure of the mapping and spatial model components of the Assessment. Staff stated that the intention was to move away from 10 minute squares and into grid structures that were appropriate to the underlying data. In areas with more intense sampling, grids may be finer in an attempt to convey heterogeneity of habitats.

A Committee member asked about the link between sediment and a species’ prey. Staff in the presentation had stated that this link may be attempted, but may encounter severe

difficulties given the data. Staff clarified that the intention was two-fold: to provide valuable information to the Committee and Council, and to document the areas in which further research and analysis is necessary. We won't know until we've completed the analytic work which of these two categories the link between prey and sediment will fall under.

Audience discussion

Dr. Stevenson from NMFS NERO (and a member of the PDT) reiterated that the definition of an adverse impact was well established, but that the "more than minimal" standard may require interpretation by managers.

Bonnie Spinazzola (Offshore Lobstermen's Association) asked how the magnitude of gear effects would be portrayed in the matrices, given the obvious differences between trawl gears and traps. Staff replied that the actual degree of impact would be captured in the matrix, and the magnitude of that impact would be captured in the models that attempt to quantify overall impact levels.

Gib Brogan (Oceanna) asked if there was any discussion of splitting herring gears into mid-water and pair trawls. Staff noted that at this time, there has not been.

Advanced Notice of Public Rulemaking

Section 304(d) of the National Marine Sanctuaries Act

Staff provided a brief overview of the ANPR and the information that it sought, and the Council's comments letter. Section 304(d) of the NMSA provides an outline for consultation with designated Sanctuary managers for activities that may affect specified Sanctuary objectives and/or resources. The ANPR requested information on if, and if so what form, of additional regulations were necessary to fulfill the consultation requirements. The Council has never undergone a formal consultation process with the Stellwagen Bank NMS, and felt that further regulations to determine the necessary provisions of such a consultation were not necessary. The Council, in its letter, recommended no further regulations for the NMSA Sec 304 (d).

Five-year NEFMC Research Priorities for Habitat

The Committee brain-stormed for items that may be included in a five-year research priorities document that the Council will submit to the Fisheries Service. The Committee produced the following list:

1. Growth rates for Deep Sea Coral species
2. Detailed habitat mapping throughout the Council's operations area
3. Further study of predator-prey relationships in an ecosystem context, and the contribution of benthic habitat to prey survivability
4. Quantification of the adverse impacts of fishing gears, and gains to habitat possible through increases in catch per unit of fishing effort
5. Before-after control impact studies (BACI) in NE waters to test for fishing gear impacts in different substrates, depths and energy environments

6. Ocean zoning and the use of marine resource services for long-term multi-jurisdictional planning
7. Linking habitat types and their specific functions with fishery resource productivity
8. Affects of land-based activities on critical ocean habitats, including the potential for designating EFH using expanded metrics such as fish condition indices and habitat quality

Independent Review of Vulnerability Assessment

The Committee discussed further the timing and context for an independent review. The Committee made clear that they felt a comprehensive review of the Assessment’s results would be of more value to the Council than a more restricted review of the Assessment’s methods. Therefore, the Committee called for a delay in review with a new target in late winter/early spring of 2009. The Committee further requested that the Council consider inviting additional ad hoc members with relevant topical experience to augment the independent review conducted by the Council’s SSC.

Motion 1

Mr. Goethel moves and Mr. Grout seconds,

that the Habitat PDT develop Terms of Reference for an independent review of the Analysis of the Adverse Effects on EFH caused by Fishing Vulnerability Assessment for review at the next scheduled Habitat Committee meeting.

*Main motion **carried** on a show of hands (4/0/0)*

NOTE: The Council is refining it’s process for scheduling reviews by the Science and Statistical Committee. Ultimately, while requests and recommendations are to originate with the relevant Committees, TORs and schedules will be approved by the Council’s Executive Committee.

The meeting adjourned at approximately 1:12PM.

Table 1 – Grain size thresholds for five sediment categories used in Vulnerability Assessment

| Class Name | Size Min (mm) | Size Max (mm) |
|-------------------|----------------------|----------------------|
| Boulder | 256 | 4096 |
| Cobble | 64 | 256 |
| Pebble/Granule | 2 | 64 |
| Sand | 0.0625 | 2 |
| Silt/Clay | 0.00025 | 0.0625 |