



**New England Fishery Management Council
Habitat/MPA/Ecosystems Advisory Panel Meeting Summary**

**August 12, 2010
Revere, MA**

Advisory Panel members:	Dave Wallace (chair), Maggie Raymond, Allyson Jordan, John Williamson, Richard Taylor, Jeff Kaelin, Jon Williams
Habitat Committee members:	David Preble, Jim Fair
Council staff:	Michelle Bachman (PDT chair), Nick Clifford
Others:	Mary Beth Tooley (Council member), Drew Minkievich, three additional audience members

The meeting commenced shortly after 9:30 a.m. with introductions. Ms. Bachman reviewed two recent meetings of the Habitat Committee (6/10/10, document 1) and Plan Development Team (7/26-27/10, document 2). Throughout the presentation she responded to questions from AP members.

Mr. Taylor highlighted the list of required policy determinations in the introduction of the committee summary. He asked why 1996 was selected as a baseline year; Ms. Bachman responded that this is because vessel trip report (VTR) data are not reliable before this time.

Mr. Williamson asked for clarification about the values shown in Table 1 of the committee summary. Left to right, this table shows the size of each area in square kilometers, the area-weighted equilibrium adverse effect (Z_{∞}) value for the area, the total Z_{∞} inside the area boundaries, where the area falls in a distribution of equally-sized areas in terms of area-weighted mean Z_{∞} (its percentile), how many of the 10,000 permutation areas had a greater area-weighted mean Z_{∞} , and finally what the area-weighted mean Z_{∞} value was for the 99th percentile area. In June, the PDT recommended that the committee consider areas with a percentile value greater than 90% to be 'meeting the goals of the amendment'.

When Ms. Bachman explained the Local Indicators of Spatial Association (LISA) cluster results, the group discussed that the substrate data underlying the SASI model is somewhat more limited for the Gulf of Maine (GOM) than for Georges Bank (GB) and the mid-Atlantic Bight. The resolution of the substrate data is likely to impact the size of some cluster areas (e.g. Platt's Bank). In the coming weeks, the PDT will be exploring

data-poor areas in further detail and will be summarizing the underlying substrate data in each identified cluster. This is related to the fact that grab samples cannot sample cobble or boulder, but video samples which can sample these substrates were only collected in localized areas of the GOM.

Ms. Jordan wondered about the compatibility of data between the GOM and GB/elsewhere. Ms. Bachman noted that the committee recognized the differences in sampling resolution between the two areas, and that this was reflected in their recommendations (shown on pages 7-8 of document 1). However, because the model was designed to be applied uniformly throughout the domain, the PDT combined results from all areas before running the cluster analysis.

Ms. Bachman explained that the LISA cluster areas are defined based on two probability value criteria. The $p < 0.01$ criteria defines smaller groupings of cells as high vulnerability clusters, and the $p < 0.05$ criteria defines larger clusters in the same locations, and defines some additional scattered grid cells as clusters. Mr. Taylor asked why in particular the Georges Shoal cluster was highlighted, and she responded that the cells in that cluster contain areas with high vulnerability inferred features in greater proportion than in other areas of the model domain. (It is important to note that the SASI model is based on the relative vulnerability of seabed geological and biological features to different fishing gear types, and that use of the model requires the assumption that structural features are useful to fish species, and that damage to those features constitutes an adverse effect on fish habitats.)

Mr. Taylor asked when the outputs of the SASI model will be linked to the productivity of particular fishery resources, and the answer is that the current state of knowledge related to regional species' use of habitat does not allow such linkages to be made at this time.

One of the items discussed by the PDT at their last meeting was the use of roller gear and/or ground cable restrictions on trawl as a mechanism for reducing the adverse effects of fishing on habitat (see document 2, p 6-8 for summary). The PDT assumed in their discussion that a maximum size limit on roller gear would reduce seabed impact because vessels with smaller roller gear would avoid fishing in cobble/boulder areas, which are more vulnerable to adverse effects (according to the SASI vulnerability assessment). Ground cable length restrictions were expected to reduce impact via a reduction in area swept. The PDT discussed that changes in either roller size or ground cable size could negatively impact catchability, thus reducing the positive benefits of any measures.

Ms. Jordan noted that due to the combination of 12 inch roller gear restriction in the inshore GOM and closed areas throughout the GOM, fishing in the GOM is now highly localized. She emphasized that we should be looking at data from the 12 inch roller

gear restriction area to evaluate the impacts of this measure and the potential implications for any new gear restriction measures.

There is some evidence that roller gear restrictions influence fishing location. Some analyses completed by the PDT suggest that roller gear sizes are significantly larger in high Z_{∞} areas (which generally correspond to larger substrate grain size areas) in the GOM. In addition, gear restrictions (in conjunction with catch limits/incentives) implemented by the Pacific FMC led to reduced fishing on rocky/high vulnerability areas.

Mr. Taylor stated his preference for a habitat protection strategy would be to fully protect vulnerable areas with closures, rather than through the use of gear restrictions, which might or might not be effective in preventing fishing on vulnerable substrates.

Discussion of termination of AP members that do not attend meetings

Related to a discussion about quorum, the group discussed whether or not advisors should be recommended for removal from the panel if they consistently fail to attend meetings. The group reached a consensus that such removal is appropriate, noting the Council's policy that if adequate notice is not given for absence from 2 meetings in a row, the advisor may be removed at the Council's discretion. Following the meeting, the AP Chair agreed to communicate with the Executive Director about two specific habitat AP members.

Gear modifications/restrictions

Reopening the earlier discussion on gear modifications, Mr. Williamson stated his understanding was that in configuring a trawl vessel for fishing, owners make a tradeoff between horsepower and ground gear or cables. Ms. Jordan stated that it was not clear what the goals are of the restrictions – to exclude larger vessels? Mr. Taylor reiterated Mr. Williamson's earlier statement, acknowledging the wide variety of risk vs. return decisions made as skippers choose their gear. If the goal is to identify and protect particular areas, he stated that this would best be accomplished via closures, not using gear restrictions. Ms. Raymond followed up stating that it is more honest to say you can't fish an area at all then to say you can fish here with a gear that doesn't catch fish.

Some impacts of the current area closures (both habitat-related and not) were discussed. These include: the most productive areas are currently closed; fishing occurs in less productive areas and catch rates decline; and fishing is highly concentrated. The group discussed that current management (i.e. sectors) has further reduced swept area, even as compared to last year, and that capacity in groundfish fishery is being reduced dramatically. It was noted that managers should allow people to use the gear types that work best for them so that they can fish most efficiently.

Mr. Minkiewicz followed up to this last comment, noting that to reduce impact according to SASI you reduce area swept. He referenced the example of the ban on ‘street sweeper’ gear, which was prohibited because it increased the catch of fish. If efficiency is the goal, then these types of restrictions are counter to what we are trying to do with the amendment. The question then becomes, ‘Are there gear modifications that would allow for more efficient fishing and thus reduce area swept overall?’

Returning to the comment on sectors, Mr. Wallace emphasized that the whole philosophy of fishing changes under sectors – the goal under sector management is to get fish in your quota and then get off the water. Following on this, Mr. Williamson stated that the Council should be creating incentives for more efficient gear, and that these types of options do not do that. He assumed that captains are already zeroing in on optimum gear design for their type of fishing.

To further the discussion, the Chair asked whether all gear restrictions should be eliminated in favor of closures only. In response, Mr. Williamson stated that there are two ways to use habitat closures. (1) Close sensitive areas to all gears. (2) For sensitive but productive areas, allow reduced impact gears only (e.g. sweep-less trawls). He stated that there may be areas in which people would be willing to make such tradeoffs (i.e. to use perhaps less efficient but reduced impact gear, rather than not fishing in the area altogether). He stated that neither of these two gear restrictions will likely produce a positive outcome in terms of habitat.

Mr. Wallace asked rhetorically what is ‘bad’ about certain gears – large roller gear, long sweeps, etc. He asked if the group wished to make a statement of about appropriate types of sweeps, roller gear etc. He noted that quotas are better than days at sea in terms of improving efficiency, and that making vessels less efficient is financially inefficient. Mr. Taylor asked whether the goal was to protect habitats or to improve fishery management (efficiency?).

Following on the discussion of efficiency, Ms. Raymond suggested opening the WGOM habitat closed area to shrimp trawling:

- 1. Ms. Raymond moved and Ms. Jordan seconded:
To allow all shrimp trawl gear in all habitat closures.**

The Chair questioned whether the motion was out of order. He stated that the main issue was what gear should be banned, if any, in what habitat(s).

Motion 1 was tabled by its maker.¹

¹ Motion 1 was later reopened and ruled out of order by the Chair.

Ms. Jordan suggested that there should be no roller gear or ground cable size limits.

2. Ms. Jordan moved and Mr. Taylor seconded:

To not have any roller gear size limits or ground cable length limits.

Ms. Raymond stated her opposition to the motion, noting that the alternative might be worse (i.e. additional habitat closures). She noted that she could support the motion if the group reviewed the June Committee motions. The group discussed that it would be important to review candidate management areas individually to determine what gears are currently used and how their use might be optimized. The Chair noted his expectation that the AP would eventually be given the opportunity to weigh in on measures for specific areas.

Motion 2 was withdrawn by its maker.

Ms. Raymond recommended that the AP endorse the no closure alternative suggested by the Committee in June.

3. Ms. Raymond moved and Mr. Kaelin seconded:

That the AP recommends Part 3 of 6/10/10 Committee Motion 1 and Part 4 of 6/10/10 Committee Motion 2 (no closure alternative to reduce Z by maximizing CPUE) as the preferred alternative.

Motion 3 carried on a show of hands (5/1/0).

Mr. Kaelin moved that the efficacy of roller gear and ground cable restrictions be evaluated in habitat research areas.

4. Mr. Kaelin moved and Ms. Raymond seconded:

That the AP recommend that the efficacy of roller gear and ground cable modifications be tested to evaluate their potential habitat benefits in dedicated habitat research areas in the Gulf of Maine, and that this be a priority.

The motion was perfected to read:

4a. The AP recommends that the efficacy of roller gear and ground cable modifications be tested to evaluate their potential habitat benefits in dedicated habitat research areas in the Gulf of Maine identified by committee motion 1D, and that this be identified as a priority.

Mr. Taylor noted that currently it is very difficult to gain access to do research in habitat closed areas. He reemphasized his concern that we are on the wrong track in

emphasizing gear modifications, noting that reducing gear will increase the number of tows required to catch the same quota.

Motion 4 carried on a show of hands (5/0/1).

Dedicated Habitat Research Areas

Ms. Raymond stated that habitat research areas should have a moratorium on them (i.e. they should be reopened if no research is being conducted). Mr. Minkievich acknowledged that for areas to be useful, there need to be clear research priorities, funding, and likely a mechanism for facilitating research (i.e. a programmatic EIS).

5. Ms. Raymond moved and Mr. Kaelin seconded:

That the Council should not designate any dedicated habitat research areas until funding is available, a programmatic EIS can be developed to allow access, and that the areas should have a definite moratorium on them after which they should be reopened if no research has been conducted.

The motion was perfected to read:

5a. That the Council should not designate any dedicated habitat research areas until funding is available and a programmatic EIS can be developed to allow access; also that the areas should have a definite moratorium on them after which they should be reopened if no research has been conducted, and that any areas proposed should be no larger than necessary to conduct the studies.

Mr. Williams supported the motion, noting that there should be a plan for any research area before it is closed. Mr. Williamson stated his opposition to the motion. Mr. Taylor emphasized that any research areas should be tied to examination of existing closures. He asked what the point would be in closing areas as a 'feel good' measure when they serve to tie up fishery production. What does substrate or spatial areas have to do with productivity? What's the functional value of the bottom?

Motion 5 carried on a show of hands (4/1/0).

Mr. Williamson wondered whether one large area or numerous smaller areas were envisioned, and asked what will be studied. Mr. Wallace stated that it would be important to justify area size, and Mr. Taylor noted that there is a practical benefit to locating research areas closer to shore. In response to a comment about adjustment of area boundaries, Mr. Kaelin noted that initially areas would be designated and then research done in them, boundaries shouldn't change based on work being done in there.

Other issues – mobile/fixed gear conflicts

Staff questioned whether the removal of habitat closed areas would have unintended consequences related to fixed/mobile gear conflicts, and asked whether the Advisors had any recommendations on this issue. The group discussed that such conflicts were likely to emerge. Many advisors expressed the opinion that these conflicts were best resolved via direct negotiations by involved industry members, rather than at the Council level. However, it was also noted that the Council AP process might be a useful forum for engaging industry in a discussion of specific issues as they emerge. Based on this discussion, the Advisory Panel recommended the following:

6. Mr. Taylor moved and Mr. Williams seconded:

The AP recognizes that the dissolution of habitat closed areas will have an effect on fixed and mobile gear conflicts and we do not believe that the habitat committee is the place to resolve such issues.

The motion was perfected to read:

- 6a. (Taylor/Williams) The AP recognizes that the dissolution of habitat closed areas will have an effect on fixed and mobile gear conflicts and we do not believe that the habitat committee is the place to resolve such issues. The Council may wish to consider convening a joint advisory panel process to work on these issues.**

Motion 6 carried on a show of hands (6/0/0).

The meeting adjourned at approximately 2 p.m.