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**New England Fishery Management Council  
Joint Habitat and Groundfish Oversight Committee Meeting Summary**

**May 17, 2013  
Portsmouth, NH**

**Committee members:** David Preble (Habitat chair), Terry Stockwell (Groundfish chair), Dave Goethel (Habitat vice chair), Tom Dempsey (Groundfish vice chair), Terry Alexander, Erling Berg, Frank Blount, Lou Chiarella, Doug Grout, Peter Kendall, Matthew McKenzie, Sue Murphy, John Quinn. Council chair Rip Cunningham and Habitat advisory panel chair Dave Wallace also attended.

**Council staff:** Michelle Bachman (PDT chair), Andy Applegate (CATT chair), Dave Thomas, Fiona Hogan, Chris Kellogg

**Additional NOAA staff:** Mitch MacDonald, Moira Kelly, Mark Grant

**Additional Habitat PDT:** Peter Auster, Melissa Smith

**Others:** 40+ additional audience members, including various advisory panel members

The Habitat and Groundfish Committees met jointly in Portsmouth, NH to identify a range of spatial management options and alternatives for inclusion in Essential Fish Habitat Omnibus Amendment 2 (OA2). The group convened as a committee of the whole, meaning that attendees who were members of both Committees, including the Regional Administrator (represented by his designees), received only one vote. The Committees plan to complete this work on June 11, following further Habitat Plan Development Team and Closed Area Technical Team development and analysis. On June 11, the Committees will select a range of alternatives to put before the Council at their June 18-20 meeting in Portland, ME.

The Chairs noted that a major goal of the day was to fine-tune options and provide guidance to the technical teams. The range of groundfish options for analysis resulted from a decision by the Council in April 2011 to include analysis of the groundfish closures in OA2. This decision was taken in part because the two existing sets of management areas are linked, and there was recognition that their modification could not be easily separated. The Council approved specific goals and objectives for redesign of the groundfish areas last November, and the CATT's analyses have followed those goals and objectives. A challenge with the groundfish analyses has been a slow start followed by very rapid progress, which may be causing some confusion about the results.

Staff gave a presentation to outline the range of options. The No Action options include the existing year round groundfish mortality areas and rolling closures, in addition to the Amendment 13 habitat management areas. The groundfish mortality and rolling closures were designed around multiple objectives, including protection of spawning fish. Because the fishing

restrictions associated with the year round closures prohibit mobile bottom tending gear activity in many cases, these areas also serve as part of the No Action habitat management alternative. As alternatives to these areas, the CATT developed options to modify the existing rolling closures in the GOM, designate new seasonal spawning areas throughout the region, and protect juvenile habitats from fishing gears that cause adverse seabed impacts on a year round basis. The Habitat PDT and Committee have developed a range of year round management areas designed to minimize the adverse effects of fishing on EFH. These juvenile groundfish and adverse effects minimization habitat management areas are designed to be complementary and part of an integrated habitat protection system. In addition, the Habitat PDT and Committee have developed three Dedicated Habitat Research Areas, which are designed to serve as a focus for specific types of studies related to habitat impacts and fish/habitat associations. Exactly how any of these areas might be combined together has not yet been determined.

All of these options are summarized below:

**Table 1 – Spatial management measures to address groundfish and habitat-related goals and objectives**

Area type	Objectives	Management measures
No Action groundfish areas	Protect spawning fish; other objectives	Closed year round to gear capable of catching groundfish
No Action habitat areas	Minimize adverse effects of fishing on EFH	Closed year round to bottom-tending mobile gear
No Action rolling closures in western Gulf of Maine	Protect spawning fish	Seasonal closures to gear capable of catching groundfish
New juvenile groundfish habitat areas	Protect seabed habitats where juvenile groundfish aggregate	Closed year round to bottom-tending mobile gear
New/modified boundary adverse effects minimization habitat management areas	Minimize adverse effects of fishing on EFH; protect habitats to increase productivity	Closed year round to bottom-tending mobile gear or no-groundcable-trawl only (latter option in Great South Channel, Georges Shoal)
Dedicated Habitat Research Areas	Provide a place to focus habitat-related research	Closed to mobile bottom-tending gear year round, possibly other gears; possibility of sunset after 3 years
New seasonal spawning groundfish areas	Protect the spawning activity of large fish where they aggregate (i.e. hotspots) during their spawning seasons	Seasonal closures (winter, spring, and/or summer months) to gear capable of catching groundfish in discrete areas in the western and central Gulf of Maine, eastern Georges Bank, and Southern New England
Modified rolling closures in the western Gulf of Maine	Protect the spawning activity of large fish where they aggregate (i.e. hotspots) during their spawning seasons. The modifications reduce the size of these areas of the existing areas to better focus on locations where hotspots occur.	Seasonal closures to gear capable of catching groundfish.
Seasonal implementation of existing groundfish mortality areas as spawning closures – WGOM and CAII	Protect the spawning activity of large fish where they aggregate (i.e. hotspots) during their spawning seasons. The modifications would implement the same areas seasonally vs. year round to better focus on seasons when hotspots occur.	Seasonal closures to gear capable of catching groundfish



Staff emphasized that recent discussions between the PDT and CATT have focused on how to integrate the juvenile groundfish habitat areas with the adverse effects habitat management areas. The teams have developed a range of comparative metrics (document 2) to use as a basis for comparing the two sets of areas. These include vulnerability score, number and species of juvenile fish hotspots, species diversity, net fishery revenue, etc. There are three possibilities for correspondence between the two sets of areas: spatial overlap, adverse effects but not groundfish area, groundfish but not adverse effects area. Because the areas were designed using different data and to meet different objectives, the technical teams anticipated a lack of spatial correspondence, at least in some areas. In most cases, the juvenile groundfish areas do contain habitat types vulnerable to accumulating the adverse effects of fishing, but only a subset of vulnerable habitats were selected by the Habitat PDT and Committee for further evaluation. In particular, the Habitat PDT recognized the existence of vulnerable habitats throughout the inshore GOM, but did not have good way to narrow the focus, spatially. The groundfish data, however, provide information that can be used to focus on particular inshore areas. Conversely, the adverse effects areas generally contain juvenile groundfish aggregations (hotspots) but typically not as many as the juvenile groundfish areas. In some specific cases (Cashes Ledge, Fippennies Ledge, Platts Bank) this could be due to a lack of survey effort to detect potential hotspots.

On a final note, staff highlighted the Habitat Areas of Particular Concern (HAPC) developed during Phase 1 of OA2. In particular, juvenile cod HAPCs were identified in waters of the GOM and south of Cape Cod shallower than 20 m, and in the Great South Channel region to overlap with juvenile cod EFH. These draft (to be implemented via OA2) designations should be kept in mind during alternatives development. Other draft HAPCs include the existing Cashes Ledge and Western Gulf of Maine habitat management areas; the existing Closed Area II HAPC was designated prior to being designated a habitat management area.

The Habitat Committee chair commented that we have a range of options from which to select alternatives, and encouraged the committee not to add new options at this time. He emphasized that the purpose of Dedicated Habitat Research Areas is to facilitate applied research and monitoring, so that we can better evaluate the effects of habitat protection measures moving forward. He noted that we do not currently have a good understanding of the relationship between benthic habitat protections and stock productivity. He did encourage a comprehensive re-evaluation of the measures implemented via OA2 during the next EFH review, which is recommended in the EFH regulations to occur at 5 year intervals.

A Committee member clarified that this amendment is considering two major categories of options: habitat management areas related to adverse effects and juvenile groundfish, and spawning protection areas. Staff agreed that this was the intent, noting that an SSC member had reached the same conclusion during their May 16 discussion of the CATT analyses.

A Committee member wondered if a way to streamline the amendment would be to consider modifications to spawning protection areas in a subsequent groundfish framework, rather than in this action. Another Committee member asked whether the Council would keep current spawning areas in place in the meantime, noting that the Council specifically voted to address

spawning protection in OA2. He responded that his idea was that the current spawning closures will stay in place until edited by the Council, but that the habitat areas developed in this amendment would be evaluated with respect to any impacts on spawning. He stated that if our objective is to improve spawning closures, then that would be better addressed through a subsequent groundfish framework.

Audience member Maggie Raymond (Associated Fisheries of Maine) asked whether the May seasonal closure on Georges Bank is included amongst the No Action spawning areas. Staff agreed that such an area would be considered part of the No Action alternative. She followed up that the area is not really part of the existing rolling closures. She also asked whether the CATT or PDT had begun to develop a mechanism to evaluate the performance of any of these closures, so that we have evaluation criteria in advance of a five year review. Staff responded that this issue has been discussed by both the CATT and PDT, and that it was raised during the SSC review on 5/16, but that we don't have a fully vetted list of criteria yet. Ms. Raymond commented further that she hoped the Committee and Council would formalize this in a motion to make sure that it gets done, and that if reevaluation can happen sooner than five years, so much the better, given rapid shifts in status. Staff replied that an advantage of the hotspot analysis framework developed by the CATT is that it allows for reevaluation following status changes.

A Committee member commented that he wasn't comfortable with the juvenile options/analysis and that he was unclear on what we're trying to do. He understood that the juvenile groundfish areas were developed on the basis of juvenile catch hotspots, and then evaluated with respect to habitat vulnerability using SASI, but he was concerned that nobody has produced a document that says that mobile gear affects juvenile production. He noted that while there seems to be an agreement that mobile gear affects complex habitat, and that there's a lot of complex habitat in the juvenile groundfish areas, the complex habitat is already protected because you can't tow there. Thus, he questioned why those areas would be closed to mobile gears. He argued that we need to know how the use of towed gears negatively impacts juvenile groundfish production before proceeding.

Another Committee member confirmed with staff that some of the identified juvenile habitat areas are currently fished. He then asked whether the CATT had reviewed any information indicating a connection between mobile gear use and juvenile survivorship. Staff responded that while a wide variety of literature was reviewed, we don't have models indicating that improving habitat quality by X amount causes Y increase in stock production. He noted that the CATT did attempt to evaluate the benefits of area closure with respect to the Framework 48 exemption area analysis, but that they are difficult to tease out given the complexity of overlapping regulations. That analysis indicated that most of the benefits have been associated with winter flounder and haddock, and that it was difficult to understand the benefits for cod and other species because they move out of the areas and are subjected to fishing.

Another Committee member followed up to say that he repeatedly fishes the same locations all the time because they remain productive. Given this, how much harm can we be doing to the habitat by fishing it?

A Committee member reminded the group that they are trying to understand a very complex marine environment and that despite imperfect knowledge we need to move forward. He noted that there is literature to indicate that mobile bottom-tending gear does affect juvenile aggregations and survivorship.

A Committee member asked whether the Enforcement Committee had commented on these options yet. Staff noted that they will review the options on June 5.

Audience member Ron Smolowitz (Fisheries Survival Fund) asked what the intent of the spawning closures was. Staff responded that the concept is to avoid catching and disturbing the fish while they are engaged in spawning behavior. He followed up to state that this is effectively protecting them from high catch per unit effort. Staff agreed that yes, these areas would function to protect spawners from excess mortality, but that for some species, lack of disturbance of their spawning behavior is known to be important.

Audience member Drew Minkiewicz (Fisheries Survival Fund) noted that while the juvenile habitat areas are being proposed on the premise that the habitat is important for increased productivity of juveniles, we have no “level 4” data on habitat-specific production rates. Staff agreed that this was true, noting that New England is not unique in this regard. He wondered whether the lack of level 4 information meant that decisions made were “arbitrary and capricious”. The Chair replied no, because we are basing decisions on the information we do have, although it is not level 4.

Audience member Peter Auster (University of Connecticut, Sea Research Foundation) responded that while clearly at this stage we don’t have good models that link particular habitats to population level and productivity, we do have literature that links habitat to survivorship and growth for a variety of species. A “belief system” is not required to infer that changes in habitat attributes affect stocks. He noted that the link between seabed habitat integrity and production is never going to be a straight line response, as there are other factors like oceanography which impact stocks but that we are unable to control. However we are able to have some control over fishing impacts to seabed habitats. The existing literature is comprised of various small-scale studies, and these could be ramped up to increase our ability to predict the changes that we’d like to. But absent more comprehensive studies, it doesn’t mean that we require a belief system in order to protect particular places in the ocean.

Audience member Jim Odlin (Atlantic Trawlers Fishing, Inc.) commented that the eastern Georges Bank juvenile areas are scoured by storms and highly dynamic. Also, while there have been several record haddock year classes, we’ve failed to get much yield out of the stock. He doesn’t see that doing anything in those particular areas will increase the productivity of the haddock resource, and that he hoped the Council doesn’t lose the whole reason for its existence, i.e. to get increased yield out of our fisheries.

Staff responded that he was somewhat bothered by recent comments, as the recent examination of closed areas produced for Multispecies Framework 48 indicated that both the haddock and winter flounder stocks appear to have benefitted from area closures, and that on Georges Bank both are in relatively good shape.



A Committee member asked what was meant by data vs. information vs. inference. Staff responded that while he didn't feel that he could speak for all scientific communities, his view was that data can be quantified and information is qualitative.

A Committee member stated that the group seemed to be confusing number of different standards of evaluation. You're not going to get reproducible results from marine fieldwork like you can from a lab, since the ocean is not the same from one day to the next. He argued that the Committee needs to move ahead on this, since we are never going to have all the information we ideally would want. Another Committee member responded that he went to the Scientific and Statistical Committee looking for guidance because the comment has been made that spawning is not a habitat related issue. What is at issue in terms of spawning is the disturbance of the fish by mobile gear during spawning activities, which has been demonstrated via Massachusetts DMF work cod studies, and European studies of haddock. For flounder, we have no evidence that indicates that towing through fish during spawning impacts their behavior.

A Committee member noted that the EFH regulations require that fishing activities are evaluated to determine whether impacts are more or less than minimal/temporary. That's the path the PDT has been going down. There are fishing gears that do affect habitat, and the next step after evaluation is to reduce impacts to the extent practicable. The Habitat PDT and Committee have made decisions to focus these efforts on hard bottom seabed habitats. Now cost/benefit information is needed to determine what is practicable.

**Motion 1: (Dempsey/Alexander) Include consideration of spawning closure revisions, rolling closure revisions, and revisions to the May Georges Bank closure in the next appropriate groundfish action. (motion later substituted)**

The rationale offered was that while spawning protections are important, the habitat amendment might not be the correct way to develop and implement them. He clarified in response to a question that the intent was to maintain the sector rolling closures, not the larger original ones. He also clarified that the intention was not to re-evaluate them in every subsequent framework action.

Staff noted that a concern with this strategy is that it is somewhat unclear what No Action is with regards to spawning. Specifically, do the existing year round closures serve as spawning protection areas? Would they remain as seasonal closures?

A Committee member commented that it might be useful to add to the Omnibus Amendment the ability to modify spawning areas via framework action, if that language is not currently part of the regulations. A friendly amendment was offered to add this language to the motion.

Another committee member wondered whether adding this evaluation to a framework would add a tremendous amount of work to what would likely already be a challenging framework action. The maker responded that given the work the CATT has already done, we would not be starting from the ground up.

A Committee member was concerned that this action would set the Council back two years, since the original concept when the Council added reconsideration of the groundfish areas to the Omnibus Amendment was to deal with area management in a more comprehensive way. He argued that if you separate the areas out, then we would be in a situation where we'd look at habitat closures and no one will want to implement new habitat closures because you still have to comply with the groundfish closures.

Audience member Richard Taylor (HABCAM project) commented that we arrived at our current system of year round and habitat closures via a path that was not optimal, with the year round closures based in large part on historical spawning areas, and habitat closures layered on top. He encouraged the Committee to consider carefully whether this was the right direction.

Following up on this line of thinking, staff commented that one of the reasons why the Council included a spawning protection objective in OA2 is because it enabled the habitat amendment process to 'clear the decks' with respect to existing areas, and opened up the opportunity to reopen areas that were not as effective as we had hoped.

A Committee member agreed with this, noting that while the motion initially seemed appealing because it would simplify the action, separating out the spawning closures might in practice become very complicated.

However, another Committee member argued that his conclusion from the April Committee meeting was that there are spawning areas missed by the CATT's evaluation, such that it would be better to separate identification of these areas out of the amendment.

Audience member Jud Crawford (Pew Charitable Trusts) reminded the Committee that in 2011, the Council issued a notice of its intent to roll the groundfish area management issues into OA2. Their comments at the time were that they agreed that a major amendment should take up spawning protection areas. Separating out the spawning alternatives seems inconsistent with the Council's intent, and they would not support such a decision.

A Committee member argued that including spawning alternatives in the amendment was actually more restrictive, noting that when the Council refines these spawning areas, he hoped that they would become seasonally and temporally discrete. He felt that he would vote for the motion because if we don't streamline the amendment it would be too much to consider all at once. Also, he argued that seasonal spawning protection is not a habitat issue; it's a disturbance of the fish issue.

Staff sought clarification as to whether the intent, if the motion passed, was to continue to analyze for possible removal the existing five year round closures.

The maker of the motion agreed that yes, we would look at these areas in the amendment and obviously one of the facets of these areas to evaluate would be their impacts on spawning. But, we wouldn't be creating any additional areas.

Following up, staff asked whether this would mean that we were making changes to the groundfish FMP without considering any alternatives. Specifically, would we be potentially removing year round closures in part designed to protect spawning without considering alternative measures to replace them? He responded that he felt that the Council could evaluate the spawning benefits of existing closures, and weigh those benefits as it makes final decisions about whether the areas should be maintained.

Audience member Jim Odlin commented that he wanted it to be clear that CAI and CAII were original spawning closures from Feb – May 1. If you take this track, does that mean they revert back to their original status as spawning closures, or do they remain closed year round? If they stay closed year round and if you add a couple of the new habitat options, then what you've done is shut down Georges Bank until you do a groundfish framework. The maker of the motion clarified his intent was to revert to the seasonally explicit spawning protections and not the year round spawning protections in all cases. Mr. Odlin noted that in that case, he supported the motion.

Audience member Ron Smolowitz agreed that we should not be wasting time developing specific spawning closures without a solid nexus to habitat.

A Committee member commented that Omnibus Amendment isn't going to be able to revert the year round closures back to their original status without looking for appropriate alternatives. Thus, approving this motion would maintain the existing groundfish areas year round. Another Committee member confirmed that even knowing the Committee's intent, you would still have to maintain the year round closures under this motion? He confirmed this, noting that the Council couldn't make year round areas seasonal without analyzing the impacts of such a decision.

The maker of the motion confirmed his intent to evaluate the mortality closures in OA2, but to reevaluate rolling closures in a later action. Another Committee member suggested a solution would be to include two spawning options in the amendment – No Action, and reassessment of CAI and CAII as seasonal areas only.

Audience member Vito Giacalone (Northeast Seafood Coalition) supported the concept, but definitely wanted it to be clear that they believe there are three pieces to this: habitat, mortality, and rolling closures. Industry supported the amendment because both habitat and mortality areas were being reevaluated.

**After further discussion, a substitute motion was offered:**

**Motion 1a: (Goethel/Dempsey) Related to spawning protections, analyze the following alternatives in the Omnibus Amendment: (1) Status quo of all seasonal and year round groundfish areas (2) Current cod protection areas, current sector rolling closure areas, CAI and CAII as seasonal areas from February until May, and the May closure east of Cape Cod. Additional revisions to spawning management areas will be considered in the next appropriate groundfish action. Also to add spawning protection measures to list of frameworkable items defined in the Omnibus Amendment.**



**The motion to substitute carried (8/1/2).**

**The motion as substituted carried (8/1/2).**

The Groundfish Chairman asked for ideas about strategies to integrate the habitat and juvenile groundfish areas, and the following motion was made:

**Motion 2: (Goethel/Alexander) Consider all of the habitat management areas developed by the Habitat PDT/Committee (Document 2, Figure 4 on Page 11) as well as the Eastern Maine DHRA juvenile groundfish habitat management areas. (*motion later substituted*)**

The rationale was that these areas overlap with the juvenile areas that have been identified. The adverse effects areas tend to be shoal areas, with complex bottom. Since juveniles are associated with structure and these areas have structure, it makes sense that they would be designated as juvenile groundfish areas.

A Committee member commented that whether the rationale behind an area is more driven by habitat vulnerability or groundfish distributions, we should call them all habitat protection areas. The maker of the motion agreed, noting that the motion was mainly a request to have these areas analyzed with groundfish objectives in mind.

Audience member Ron Smolowitz asked whether the EFH designations were considered in developing the juvenile groundfish areas. Staff responded that while similar survey data were used to develop the EFH designations and the juvenile hotspot analysis, both the methods of analysis and the results varied. The EFH designations are much broader than the hotspots, and include more area as well as a greater size range of fish.

Audience member Drew Minkiewicz supported trying to move things forward in a cohesive fashion, but cautioned the Committee that some of the habitat management areas are not well supported by the hotspot analysis in that they contain no or few large mesh groundfish hotspots.

A Committee member acknowledged confusion as to whether we were designating two types of areas. He commented that absent a juvenile groundfish designation, the adverse effects habitat areas would be evaluate with respect to EFH for all species and lifestages. The maker of the motion indicated that his intent was to simplify the number of options at this stage so that individual areas can be approved or disapproved later.

Staff commented that the purpose was not to design areas that reduce fishing mortality on juvenile fish per se, but to identify habitats that have large concentrations of species with a known affinity for structured seabed. He referenced the tables of comparative metrics in document 2, noting that there are groundfish hotspots in many of the adverse effects areas, and complex habitats in many of the juvenile groundfish areas. There are a handful of areas throughout the region that are poorly sampled by the various surveys used in the hotspot analysis, including the top of Cashes Ledge, Fippennies Ledge, and Platts Bank, and areas outside of Massachusetts state waters on Nantucket Shoals. He also noted that summer and winter seasons are not as comprehensively surveyed as the fall and spring seasons.

A Committee member commented that the objective should be to incorporate both vulnerable habitats and groundfish hotspots in the potential management areas, rather than prioritizing one objective over the other.

In response to a Committee question, staff responded that any areas would be evaluated in terms of both groundfish and habitat benefits, regardless of the data (SASI or hotspot analysis) used to develop them.

A Committee member argued that if the inference is that seabed structure contributes to productivity, and these areas provide structure, that they should be showing up as hotspots. If they do not, then perhaps they should not be designated as management areas.

**A substitute motion was offered:**

**Motion 2a: (Dempsey/McKenzie) Request that the PDT/CATT explicitly consider the juvenile groundfish protection value of all of the status quo and new/modified habitat management areas developed by the Habitat PDT/Committee (Document 4, Figure 4 on Page 11). Make the Eastern Maine DHRA a juvenile groundfish habitat management area.**

Audience member Ron Smolowitz argued that this is a good approach, but displaced effort should be considered. Staff commented that identifying potentially displaced revenue is an active area of work for the PDT and CATT. Determining where displaced effort might shift is a more difficult question.

**The motion to substitute carried (10/0/1).**

**The motion as substituted carried (10/0/1).**

The Groundfish chair directed the Committee to provide additional guidance to the technical teams. One Committee member suggested a combination of options that would include a maximum number of areas, a minimum number of areas, and intermediate options focusing more on either adverse effects or groundfish. Recognizing the need to analyze a complete No Action alternative, another member commented that he felt the Council would be in the best position to make decisions at final action if it could evaluate areas individually, so that existing options could be retained, or changes could be made, on a location-by-location basis. Staff commented that ideally for public clarity you would want to convey to the extent possible how alternatives were likely to be combined. However, practically speaking, decisions in eastern Maine, for example, would have little bearing on decisions for Southern New England, so grouping options across regions might not be as important.

Another Committee member raised concerns that some of the options, for example the inshore Gulf of Maine juvenile area extending to 15 nm/90 meters, were non-starters. He also raised the issues of taking credit for existing measures, for example the 12 inch roller gear area, as well as issues with designating areas within state waters.

Another Committee member suggested narrowing the focus of the analysis to cover fewer groundfish species, and made the following motion:

**Motion 3: (Alexander/Kendall) Eliminate redfish, GB haddock, white hake, pollock, plaice, witch flounder, and monkfish from consideration in a juvenile groundfish habitat management area context. (motion later substituted)**

A Committee member asked how this motion differed from Option 3B discussed in a memorandum from staff to the CATT membership. Assuming that the starting point for the motion was additional reductions from the original Option 3 based on species with substrate affinity scores of 2 or 3, the motion would eliminate GB haddock, pollock, redfish, yellowtail, and winter flounder from the Option 3B approach, retaining both cods, GOM haddock, halibut, ocean pout, and wolffish. Staff pointed out that redfish and pollock have low weights because their stock biomass is high relative to their targets. The CATT and PDT discussed in detail the association of various species with complex substrates, and used this information to determine the 1-3 scoring in the weightings table. In some cases strong association with complex habitats is limited to when the fish are very young (this is true for redfish and for haddock). The various options are compared below, for clarity. Although not clearly stated in the motion, it is assumed that the original option 3 was the starting point for Committee motion 3.

Option 3 – basis for juvenile areas recommended to Committee	Option 3B – developed by staff to respond to April Council discussion	Committee motion 3	Committee motion 3B
Includes species with a substrate affinity score of '2' or '3'.	Included: (A) substrate score of '3', or (B) overfished, with a substrate affinity of '2', or '3', or (C) any species that was below 25% of $B_{msy}$	Eliminates species listed in motion, assuming option 3 as a starting point	Includes all species with a stock vulnerability score greater than 2, without respect to substrate affinity
<b>GB cod</b> <b>GOM cod</b> GB yellowtail CC/GOM yellowtail SNE/MA yellowtail GOM winter flounder GB winter flounder SNE/MA winter flounder White hake GOM haddock GB haddock Witch flounder American plaice Pollock Acadian redfish Atlantic halibut Ocean pout Northern windowpane Southern windowpane Atlantic wolffish	<b>GB cod</b> <b>GOM cod</b> GB yellowtail CC/GOM yellowtail SNE/MA yellowtail GOM winter flounder GB winter flounder SNE/MA winter flounder White hake GOM haddock GB haddock Witch flounder American plaice Pollock Acadian redfish Atlantic halibut Ocean pout Northern windowpane Southern windowpane Atlantic wolffish	<b>GB cod</b> <b>GOM cod</b> GB yellowtail CC/GOM yellowtail SNE/MA yellowtail GOM winter flounder GB winter flounder SNE/MA winter flounder White hake GOM haddock GB haddock Witch flounder American plaice Pollock Acadian redfish Atlantic halibut Ocean pout Northern windowpane Southern windowpane Atlantic wolffish	<b>GB cod</b> <b>GOM cod</b> GB yellowtail CC/GOM yellowtail SNE/MA yellowtail GOM winter flounder GB winter flounder SNE/MA winter flounder White hake GOM haddock GB haddock Witch flounder American plaice Pollock Acadian redfish Atlantic halibut Ocean pout Northern windowpane Southern windowpane Atlantic wolffish



Audience member Maggie Raymond agreed with the concept of identifying species that are not of particular concern in terms of juvenile habitat protection, and suggested adding monkfish to the list. Audience member Jim Odlin made a similar comment about Georges Bank winter flounder. *Note that since it is not a large mesh groundfish stock, monkfish was never included in the CATT's weighted hotspot grids.*

A Committee member reiterated a staff comment that the stock vulnerability/status scores really drive the overall weighing of the hotspots, and that the CATT analysis was designed such that rebuilt stocks included in the analysis due to association with complex habitat types will have low weights. She commented that removing protections for rebuilt stocks could carry risks; for example a species like redfish could decline quickly.

The Council chair agreed with these comments and the explanation of the weighting scheme provided by staff. He expressed concern that the committee was rehashing decisions already considered thoroughly, rather than helping to determine whether there are additional metrics that should be used to refine the options/alternative.

A Committee member responded that some of the guidance he felt they should be providing to the CATT is to eliminate some things that frankly need eliminating. He agreed that the motion was a way to get there.

**A substitute motion was offered:**

**Motion 3a: (Grout/Goethel) Have an option that includes only species with a stock vulnerability score greater than 2 in the development of juvenile groundfish habitat management areas, without respect to substrate affinity. Specifically, species that would be considered include: GOM cod, GB cod, GB YTF, CC/GOM YTF, SNE/MA winter flounder, witch flounder, halibut, ocean pout, northern windowpane, and Atlantic wolffish. (note that this motion was later reconsidered, substituted, and failed)**

Another committee member appreciated the attempt to be more objective in developing criteria, but asked more fundamentally, given the range of juvenile habitat measures proposed by the CATT, does the Committee want to consider any of them in the Omnibus Amendment, or not? The CATT developed the areas using a specific set of criteria. If the Committee is not considering them, there is no need to refine the criteria.

The Council chairman confirmed that the stock vulnerability score was used to give increased weight to species with lower biomass values relative to their targets.

The maker of the motion argued that this would be a useful way to re-evaluate progress during a five year review, in the event that stock statuses change. Ideally, if stocks are rebuilt, there would be no need for specific management areas. Another Committee member concurred, but expressed concern with GOM haddock in particular, which is above its current biomass threshold but only by a small margin.

**The motion to substitute carried (8/1/2).**

**The motion, as substituted, carried (9/0/2). However, this motion was reconsidered later in the day, perfected, and then failed during the final vote on the perfected motion.**

A Committee member reiterated an earlier comment about whether the group wanted to move forward with any of the CATT's juvenile protection areas. Another replied that it seemed premature to eliminate them at this time; to do so would render the work the CATT had done for the last six months more or less meaningless. Other Committee members disagreed and expressed concerns about the areas.

Another Committee member asked whether subsets of the areas could be prioritized using the CATT's analyses, and staff responded affirmatively that the areas could be refined using the weighted hotspots.

**Motion 4: (Kendall/Goethel) Eliminate the coastal juvenile habitat option that extends from the shoreline to 15nm/90 m offshore. Motion carried**

The rationale given was that this option would have substantial economic impacts.

A Committee member was concerned that we should be analyzing a broad range of alternatives. Agreeing with this in principal, the Habitat Chairman asked how much extra work it would take to evaluate each option, noting that it seemed prudent to minimize the workload if possible if options were unlikely to ultimately be adopted. Staff commented that the revenue analysis is fairly cumbersome, and that each area, especially areas with lots of trips, take time. Groundfish staff added that it will be important to interpret these analyses carefully, since areas currently closed to many types of fishing will show low net revenues.

Audience member Maggie Raymond agreed that the economic impacts would be devastating and that the area would be clogged with lobster gear overnight. She noted that displacing mobile gear effort with fixed gear effort could create negative impacts due to incidental mortality.

Audience member Aaron Dority (Penobscot East Resource Center) noted that perhaps the E ME DHRA would allow us to evaluate some of the questions Maggie raised about bycatch impacts.

**The motion carried (10/1/0).**

**Motion 5: (McKenzie/Blount) Request that the CATT and PDT redraft the eastern Maine juvenile groundfish management area to encompass all of the areas shown in the fall grids from the CATT's analysis in federal waters.**

The rationale for the motion was that considering the entire GOM ecosystem, closures to the east would be productive because they have the potential to seed western areas. Cod recovery was referenced specifically.

A Committee member responded that the area, in his experience, has never had especially high groundfish abundance and has been treated as a "pass through" area. Another was concerned about possible impacts to the shrimp or scallop industries, if they fish there.

Audience member Aaron Dority commented that a rationale for this area is that recently reopened dams have increased the number of returning alewives, which pass through the proposed area and may serve as an important food source for groundfish.

Audience member Maggie Raymond hoped there would be an analysis of scallop and shrimp fishing activity. She also commented that the only way you can bring back juveniles is to cut down on the lobster effort there, guessing that juvenile fish are probably getting caught in lobster trips and not surviving to adulthood. She opposed the motion.

Audience member Jim Odlin was conflicted on whether to support or oppose the motion. He noted that there is a lot of redfish there. He would support a motion like this if at least part of that area was no fishing at all, meaning lobster and everything. We have had a closed area for 20-odd years in WGOM which hasn't kept out everyone and hasn't been successful.

Audience member Ted Ames (retired fishermen, affiliated with Penobscot East Resource Center) agreed that there are some areas with good fishing, but given little current activity it is an incredible opportunity to put a fishery on its feet for zero cost and very large potential benefits.

Audience member Ben Martens (Maine Coast Fishermen's Association) commented that while his sector included fishermen still using the area, he agreed that the idea had merit and was worth further consideration. With a specific chart in hand he could get some feedback from industry.

Audience member Owen Liu (Environmental Defense Fund) noted that Jake Kritzer and Jim have been modeling larval cod dynamics, and results indicate that areas along the central and eastern Maine coast could represent significant sources of larvae for export.

Audience member Robin Alden (Penobscot East Resource Center) commented that when she served on the Council between 1979–1982 and then again during 1995–1997, closed areas were actively part of the discussion both times. She was in favor of the motion provided that the boundaries are carefully considered.

Audience member Geoff Smith (Nature Conservancy) also supported the motion.

**The motion carried (5/4/2).**

Staff asked for guidance on a range of issues. First, the Habitat PDT discussed the idea of the Sanctuary Ecological Research Area II (SERA II) proposal as an alternative adverse effects minimization area for the region, and also discussed a specific design for this area that would include a reference area with additional mobile gear restrictions. She suggested that if the Committee wishes to add the SERA II area to the list of potential adverse effects areas that now would be the time to do so.

She also advised the Committee that the PDT was continuing to work on alternative adverse effects areas for the northern edge of Georges Bank pursuant to the Habitat Committee's March guidance. The Committee agreed that continued work on this issue was appropriate.



She also asked for clarification on how the existing five year round groundfish closures should be analyzed, given the first motion of the day (1A) related to spawning areas.

Finally, she asked whether the Committee's intent was to manage fishing activity inside state waters. The Habitat Committee has previously discussed not designating management areas inside state waters, but the Groundfish Committee members have not formally weighed in on this issue. Staff commented that the CATT had the state waters discussion early on, and the advice from NERO was that we do have the ability to restrict the activities of vessels operating in state waters. However, he noted that they group also discussed that management areas in state waters might not be practical.

**Motion 6: (Grout/Goethel) That the designated habitat management areas should only extend inshore to the state/federal waters boundary.**

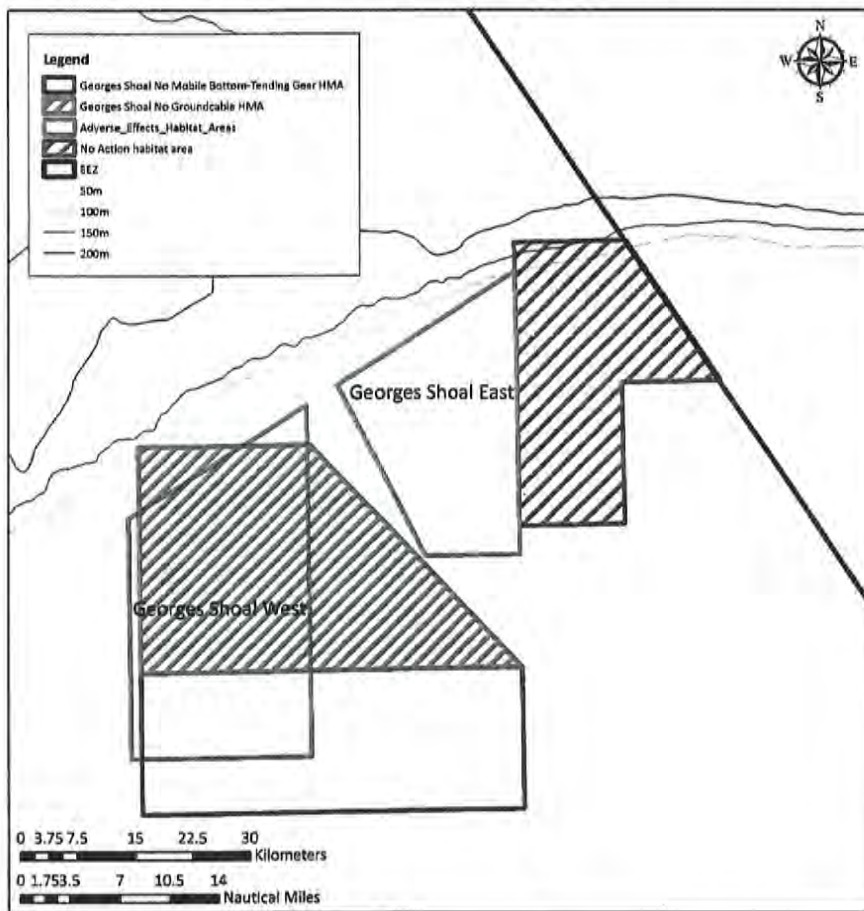
General Counsel noted that the Council does have the ability to manage fishing activities by federally permitted vessels in state waters. In addition, EFH can (and is) designated within state waters, and the regulations encourage coordination with states and other fishery management authorities (e.g. ASMFC) to minimize adverse effects to EFH as appropriate. NMFS does make EFH conservation recommendations in both state and federal waters via the EFH consultation process.

A Committee member spoke in support of the motion, but argued that he would like to get credit for the juvenile groundfish benefits of not being able to fish in state waters during much of the year. Another asked whether measures in state waters could be applied in the future, if the motion passed. The response was yes, but it would take another action to amend area boundaries to include state waters. Such a change could probably be done in a framework, and wouldn't require an amendment.

**The motion carried (8/0/2).**

**Motion 7: (Alexander/Kendall) To create two additional habitat management areas in the Georges Shoal region as shown below; the southern area (41°30' - 41°40'/67°20' - 67°56') would be closed to mobile bottom-tending gear and the northern area would be a no groundcable area. These areas would be instead of the Georges Shoal East and West HMA.**

Figure 1 - Alternative habitat management areas for Georges Shoal (green hatching, blue outline)



The rationale for this proposal is to provide for continued fishing access in that region, while protecting some complex habitat.

A Committee member asked whether the northern box in this proposal would become a mobile bottom-tending gear closure or simply go away if the Council decides not to move forward with gear modification options in this amendment. The maker responded that in that case, only the lower rectangle would go forward.

Asked for further rationale, the maker of the motion noted that these two areas combined include most of the Georges Shoal West option, while still allowing for some fishing activity. Audience member Jim Odlin confirmed this, noting that industry members developed this area. Audience member Vito Giacalone commented that this area includes structured areas of the shoals but allows continued fishing for winter flounder, and that these areas combined represent coverage in  $\text{nm}^2$  than the original proposals.

Audience member Gib Brogan (Oceana) argued that while developing measures that won't hurt the fishing industry is important, the primary driver for area development should be the habitat vulnerability and/or the groundfish protection value. He felt that what was driving identification

of the southern box is a lack of fish in the area, and questioned whether closing an area to mobile bottom-tending gear when there is little effort there to begin with really constitutes adverse effects minimization. He stated that his organization does not support the southern box, and has consistently rejected the gear modification options because they're not a viable way of minimizing the adverse effects.

A Committee member confirmed with the PDT that they could provide a comparison of habitat vulnerability between the various options.

*Note: For the purpose of providing additional guidance/analysis to the Committees, the PDT is interpreting this motion to mean that there are three alternatives for the Georges Shoal region – (1) no action (no habitat management areas), (2) this new option with gear restrictions/modifications as described above, or (3) one or both of the Georges Shoal East and West areas would be adopted as no-groundcable areas and/or mobile bottom-tending gear closures. In other words, this new option would not be implemented in addition to the existing Georges Shoal East and West proposals, but as an alternative. The PDT is not interpreting this motion as an indication to discontinue further analysis of the Georges Shoal East and West areas. This interpretation was put to the joint Committee membership, and one member responded that the will of the Committee should be clarified at the next meeting.*

**The motion carried (7/1/2).**

**Motion 8: (Alexander/Quinn) Create an additional option for the Great South Channel region by shifting the Great South Channel area to the west, moving the eastern boundary to 69°30' and the western boundary to the edge of state waters/Nantucket Shoals. The northern and southern boundary would remain the same as in the core of the current GSC proposals.**

The maker noted that he hoped this area would be substitution for the existing areas proposed for the GSC, but another Committee member was concerned about this, given the Chair's direction that the Committee's tasking was not to provide new alternatives. Another Committee member agreed that this should be viewed as an additional alternative.

Staff commented that there was very little survey information in this area to allow the technical teams to evaluate groundfish benefits of the area. The maker commented that it seems likely that there would be juvenile fish, given the hard bottom found in the area.

Audience member Jim Odlin commented that this was an industry driven proposal to preserve fishing opportunities.

Audience member Tom Slaughter (Atlantic Capes Fisheries, Clam Division) commented that a large proportion of surfclam landed in New England are harvested from this area with about 20 vessels operating in the area daily. Closing this area to that gear could wipe out the entire industry. The maker of the motion confirmed that the previous proposals in this region also affected the clam industry.



Audience member Gib Brogan commented that by shifting this area to the west you are losing most of the overlap with juvenile cod EFH. Given the significant reductions in cod in the area, they could not support the area, which they recommended to be shifted east into deeper water.

Audience member Ron Smolowitz commented that young cod were once abundant in this area, but that predation is a huge issue right now that will not be solved with a habitat management area. He commented that allowing you can't allow hook fishing for large cod under the guise that it doesn't impact habitat. It has to go beyond the substrate.

Audience member Peter Hughes (Atlantic Capes Fisheries) commented that while he doesn't like boxes drawn on the ocean, he appreciated that groups of fishermen sat down and collaborated and tried to reduce the impacts to the entire fishing community as a whole. He agreed that clam fishing was important to the area, and mentioned Davis Bank in particular. He suggested a possible exemption for clam gear.

Audience member Vito Giacalone made the point that this area contains SNE winter flounder, limited harvest of which was recently implemented by the Council as a mitigation measure for low quotas. This proposal would help to maintain that fishery.

Audience member Jud Crawford questioned whether adding areas in this fashion compromised the process. He agreed that it was important to have a wide range of alternatives, but questioned the scientific support for the proposal.

The motion carried (6/2/2).

**Motion 9: (Kendall/Alexander) Eliminate the Bigelow Bight Area, the Massachusetts Bay Area, and the Cape Cod Bay juvenile habitat management areas from further consideration.**

The rationale given was that closing all these areas would leave only a small area to fish in, which would cause extreme effort displacement, and also gear conflict. He was concerned about the impacts to the shrimp and whiting fisheries as well. He also felt that protection of redfish and plaice was not a high priority. Another Committee member agreed, and also noted that these areas are protected by the 12 in roller gear restriction. Another agreed about impacts to the shrimp industry. A point was made the mesh size restrictions protect juvenile fish.

Staff drew the Committee's attention to a chart of the three areas, noting that while the Cape Cod Bay area was entirely in state waters, the Massachusetts Bay and Bigelow Bight areas were largely in federal waters. He plotted vulnerability scores from the SASI model against the areas, noting that there are relatively high vulnerability areas within the juvenile groundfish areas.

Audience member Vito Giacalone supported the motion, commenting that if fleet diversity issues could be addressed, it would solve a lot of other problems.

Audience member Sarah Smith (Environmental Defense Fund) was in opposition, noting the high number of juvenile cod hotspots in the area. She recommended keeping the areas for continued analysis but modifying them to be finer scale.

A Committee member commented that if these areas were removed, only the eastern Maine juvenile groundfish areas would remain. She questioned whether the objective to protect critical life history stages was being met. Another Committee member agreed with this, and noted that he was unsurprised that these areas were highlighted by the CATT's analysis.

Another Committee member wondered if juvenile hotspots remain in these areas which are currently fished with mobile bottom-tending gears because the roller gear restrictions prevents fishing in very complex habitats. He also commented that overall seabed area swept has been reduced substantially in recent years, and that the amendment should take credit for these reductions.

Another responded to the concern that objectives may not be met, noting some overlap between these areas and the Jeffreys Ledge area. He also commented that we don't know the exact patterns of fishing in the area, but that fishing could be occurring along complex areas but not impacting them. He agreed with the comment that area swept has been reduced substantially.

**The motion carried (6/3/1).**

**Motion 10: (McKenzie/Murphy) Move the SERA II area forward for analysis as a habitat management area to minimize adverse effects.**

The rationale was to keep this area as part of the discussion given the potential to provide better data and information in the future.

A Committee member asked for clarification about earlier comments from staff as to whether this area would mean elimination of the Jeffreys Ledge area. She responded that it would be appropriate to analyze all three, but that amongst some industry members, support for continued management of the SERA II area was contingent upon allowing access to Jeffreys Ledge. Audience member Vito Giacalone agreed that this statement summarized the industry discussions.

**The motion carried (9/0/1).**

**Motion 11: (Alexander/Quinn) Move the Northern Edge and Southeast Part juvenile habitat areas on eastern Georges Bank to considered but rejected status.**

The rationale provided was that the areas are high energy sand and change all the time. Catches of juveniles are highly variable.

Audience member Drew Minkiewicz agreed that removal of the southeast parts are was justified. The area includes hotspots for haddock, which were scored as the maximum score of 3 for affinity with hard substrates. However, the area is high energy sand and does not include hard

substrates. He also commented that in comparison to other proposals for juveniles put forward by the CATT, the total weighted hotspot values in the northern edge area is relatively low.

Audience member Vito Giacalone supported the motion.

A Committee member commented that they had expressed almost no support for any of the juvenile groundfish areas proposed by the CATT. Staff added that the spawning area proposals were rejected as well. The Committee member noted that the Council tasked the CATT with developing these areas, but that almost all of their recommendations had been dismantled. He wondered if this would come back to hurt the Council in the long run.

Another Committee member agreed that these were some of the few remaining groundfish proposals, and that the groundfish benefits of the remaining adverse effects habitat areas were not certain.

Another Committee member clarified that the existing CAII habitat area on the northern edge will still be analyzed, and asked about overlap between that area and the Northern Edge juvenile area. Staff clarified that while they overlap along the northern portion of the existing area, the new Northern Edge area extends into deeper waters. Staff commented that many of the juvenile groundfish hotspots within this area are included in the no action Closed Area II habitat area.

**Motion 11a: (Blount/Grout) Motion to split the question**

**The motion to split the question carried (8/0/2).**

**Motion 11b: (Alexander/Quinn) Move the Northern Edge juvenile habitat area on eastern Georges Bank to considered but rejected status.**

**The first part of the split motion failed (4/5/1).**

**Motion 11c: (Alexander/Quinn) Move the Southeast Part juvenile habitat area on eastern Georges Bank to considered but rejected status.**

The Committee examined a chart showing the locations of the juvenile groundfish hotspots in this location.

Assuming that two alternatives are analyzed in this location, a Committee member asked whether, at a later time, a smaller subset of this area could be identified. Specifically, no action would be to keep the existing CAII groundfish closed area and the alternative would be to remove it. General Counsel commented that the impacts of keeping just a subset as a juvenile groundfish area, with different gear restrictions, would need to be analyzed specifically.

Audience member Jim Odlin commented that with regards to haddock, there has been fishing activity within this area via special access programs, and that the stock has had record year classes. He also commented that fish hotspots are dynamic, hard to detect, and hard to manage.



He supported the motion to remove this option because it would implement permanent protections in an area based on just a snapshot of data.

**The second part of the split motion carried (5/3/1).**

Finally, a Committee member asked about the status of motion 3a, given the afternoon deliberations. He wondered if the intent of the Committee was to have the CATT continue to develop additional options pursuant to that motion. Specifically, motion 3a would have focused on overfished stocks (stock vulnerability score  $\geq 2$ ), without regards to habitat affinity. He viewed the results of any CATT work on this motion as a possible refinement of the existing proposals.

Staff agreed that this should be discussed, since he had been viewing the Committee's afternoon decisions as taking off the table the request for analysis put forward by motion 3a. He commented that any further analysis that might be done by the CATT pursuant to this motion would refine existing areas, but not change them drastically.

The Committee member responded that his impression was that they were taking specific CATT proposals off the table to be replaced with new ones to be developed. Without knowing what the resulting areas might look like, he viewed the motion as a conservative option that would represent one end of the range of alternatives. He had been voting on other motions throughout the day based on an assumption that this analysis would be done.

A Committee member wondered whether reconsideration of motion 3a would be appropriate. Another commented that the analysis suggested by motion 3b could be used to generate an additional alternative, but it might produce just the types of area management options that the Committee was trying to avoid. The Committee agreed that it would be procedurally appropriate to reconsider the motion.

**Motion 12: (Grout/Kendall) Motion to reconsider the following motion: Have an option that includes only species with a stock vulnerability score greater than 2 in the development of juvenile groundfish habitat management areas, without respect to substrate affinity. Specifically, species that would be considered include: GOM cod, GB cod, GB YTF, CC/GOM YTF, SNE/MA winter flounder, witch flounder, halibut, ocean pout, northern windowpane, and Atlantic wolffish.**

The maker commented that he was looking for a wider range of alternatives and a fuller understanding of the potential impacts of each.

**The motion to reconsider failed (4/5/1).**

**Motion 12a: (Grout/Dempsey) Motion to reconsider the following motion: Have an option that includes only species with a stock vulnerability score greater than 2 in the development of juvenile groundfish habitat management areas, without respect to substrate affinity. Specifically, species that would be considered include: GOM cod, GB cod, GB YTF,**

**CC/GOM YTF, SNE/MA winter flounder, witch flounder, halibut, ocean pout, northern windowpane, and Atlantic wolffish.**

**The second attempt at the motion to reconsider passed (8/1/1).**

In reconsidering the motion, it was perfected to read as follows, to focus on species with associations with complex habitats:

**Motion 12b: Have an option that includes only species with a stock vulnerability score greater than 2 and with a substrate association score of 2 or 3 in the development of juvenile groundfish habitat management areas, without respect to substrate affinity.**

The Committee discussed that passage of the motion would provide a wider range of options for consideration. A Committee member reiterated that to vote yes would task the CATT to create a suite of alternatives similar to the ones removed earlier in the day, while a no vote would leave the Committee with the suite of motions passed this afternoon. He concluded saying that a no vote would send a clear message.

**The reconsidered, perfected motion failed (3/6/1).**

**Motion 13: (Grout/Alexander) Include in the document for analysis options that remove one or more of the existing five groundfish mortality closures.**

Committee members assumed this had always been the intent of the amendment. Staff agreed with this, but wanted to confirm following passage of motion 1a earlier in the day.

**The motion passed (8/1/1).**

The Habitat Chairman confirmed that the PDT and CATT chairs had sufficient information to move forward on the existing timeline.

Audience member Maggie Raymond raised concerns about the Eastern GB US/CA haddock reporting issue, and asked whether there was any resolution. She commented that vessels are unable to fish in the area because they don't have the allocation to go there, given the catch allocation methods. The Council Chairman noted that he had been in contact with the Regional Administrator and that they are working on an administrative solution, which will hopefully provide a faster resolution than a Council action.

The meeting adjourned 6:26 p.m.