

MARINE MANAGEMENT AREAS IN THE NORTHEAST – WHICH ONES SHOULD STAY AND WHICH ONES SHOULD GO?

How do we evaluate the effectiveness, what is the best management vehicle to do the job, and when?

Background: There are numerous marine management areas in the Northeast that have been implemented over the years by various fishery management plans. They all restrict fishing to some degree; some on a seasonal basis for one particular fishery only, and some are closed all year to all fishing gears. Some boundaries overlap, some of these boundaries have changed over time, and the management programs that govern these various fisheries have also changed over time.

Specifically, the utility of the groundfish closures could be re-evaluated now that the vast majority of the fishery is managed under sectors with output controls that limit total catch. In addition, for several years the Council has been developing a new way to identify and evaluate closed areas for EFH; therefore, current EFH areas may be changing in the future based on new analyses. In addition, some fishery management plans such as the scallop area rotation program increase yield by temporarily closing certain areas and later reopening them on a controlled basis. Therefore, in this case, future access to particular areas is essential for increased yield and maximum benefits. Lastly, the New England Council has committed to developing ecosystem based management plans, which may impact existing closed areas that are currently more species or issue specific. It is plausible that closed areas under ecosystem management may incorporate multiple objectives that are not currently incorporated in the range of existing closures. For example, a future ecosystem management plan may include management areas (including closures) to enhance components of the ecosystem such as biodiversity, prey species, protected resources, and other purposes.

Council discussion: At the January 2011 Council meeting the Council requested that staff prepare a document to help illustrate the overlap of current closed areas, issues these closures cause for different plans, and potential ways the Council can address these issues. This action item came out of a discussion about a motion that was tabled – see below.

- 5c. Mr. Leary moved to amend the substitute and Mr. Odlin seconded: the Habitat Committee is considering options to modify the habitat closed areas in Georges Bank/SNE based on information provided in the SASI model. Given that the groundfish fishery is now managed with annual catch limit and accountability measures under Amendment 16, it is the Council's intent to prioritize a groundfish management action in the near future that would eliminate or modify the groundfish mortality closures.
- 5d. Dr. Pierce moved and Mr. Cunningham seconded: to postpone consideration of the previous motion until the April Council meeting.

The motion **carried** on a show of hands (13/1/0).

The general theme of the Council discussion was to gauge whether the Council agreed that before more closures are added, a signal of intent should be made that current closures will be

modified or eliminated. It was argued that in order to get support for new EFH closed areas the Council may want to vocalize their intent of potentially modifying the existing GF mortality closed areas. It was explained that the above motion is more of a statement related to near-term priorities, and not a suggestion to change something right now. Several Council members that raised this issue wanted to get a sense of whether the full Council would support looking into this in the near future. It was argued that knowing whether the Council supported this type of dialogue would help the Habitat Committee as it proceeds with Phase II and completion of EFH Amendment 2.

Some voiced that it is too difficult to proceed with these issues separately (closures for EFH and closures for mortality). Some voiced frustration that regardless of the EFH process, a separate analysis should be done on the utility and effectiveness of the GF closures. It was argued that the “need” for GF mortality closures, including seasonal spawning closures, is less now under sector management. It was however pointed out that these areas may be useful for other purposes such as biodiversity, to account for scientific uncertainty, increased spawning, etc. However, some Council members expressed serious concern about the yield being lost by keeping these closures. Another added that this is not a new issue; but it is time to fix it and the Council should act as quickly as possible. Despite these concerns, when the Council discussed priorities for 2011, at the November 2010 Council meeting, the decision was to leave this issue below the line and focus on other groundfish related issues.

Request of staff: To assist the Council for this conversation the Council requested that staff present visual aids that demonstrate what this dilemma is, and how best to tackle the problem of overlapping closures and fishery access. The presentation should review the dilemma, and provide suggestions about how best to handle it in terms of timelines, logistics, which action should go first etc.

Illustration of the dilemma:

Figure 1 – Overlap of current GF closed areas, areas with habitat more vulnerable to fishing based on SASI model, and 2010 scallop biomass

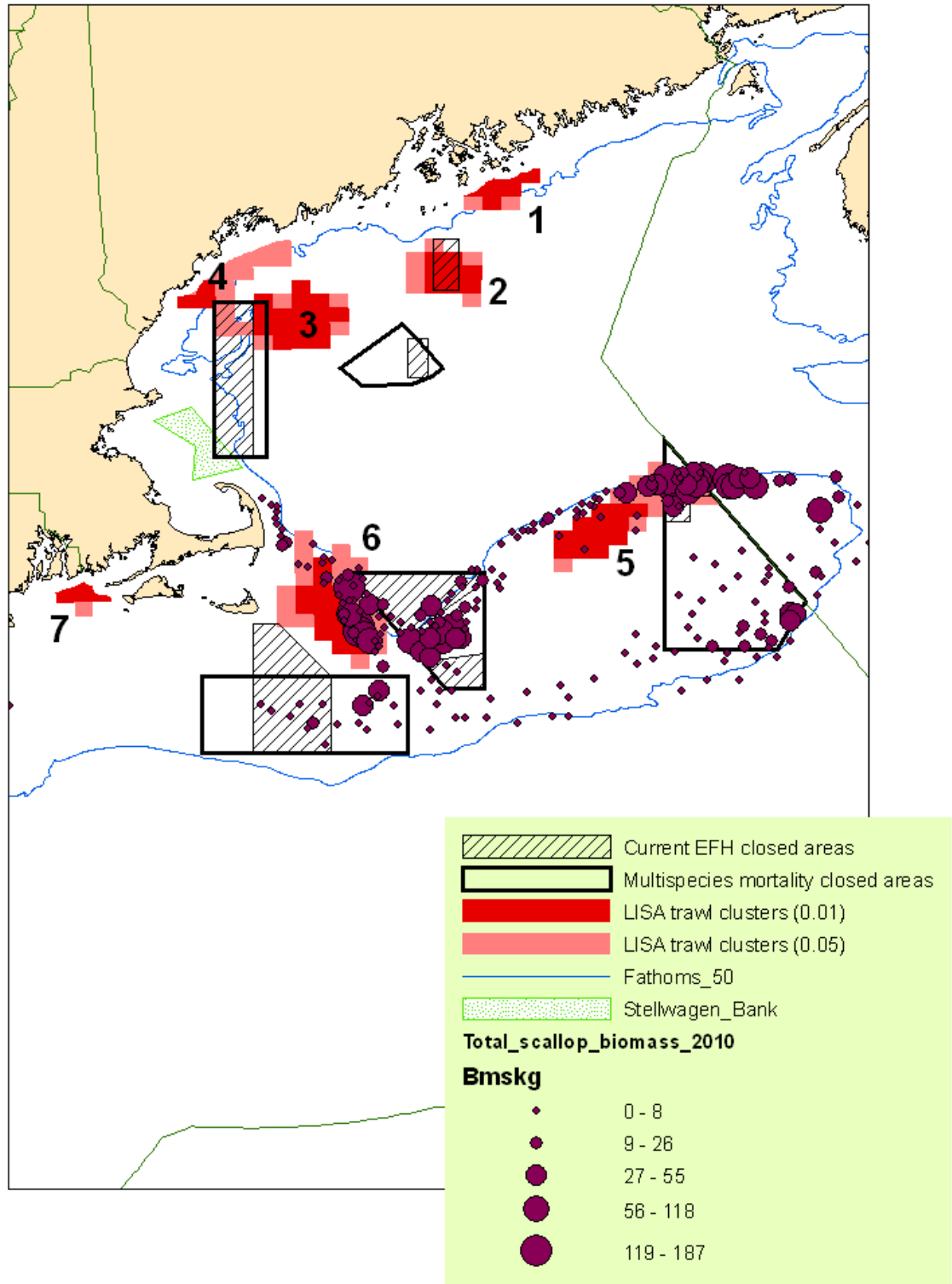
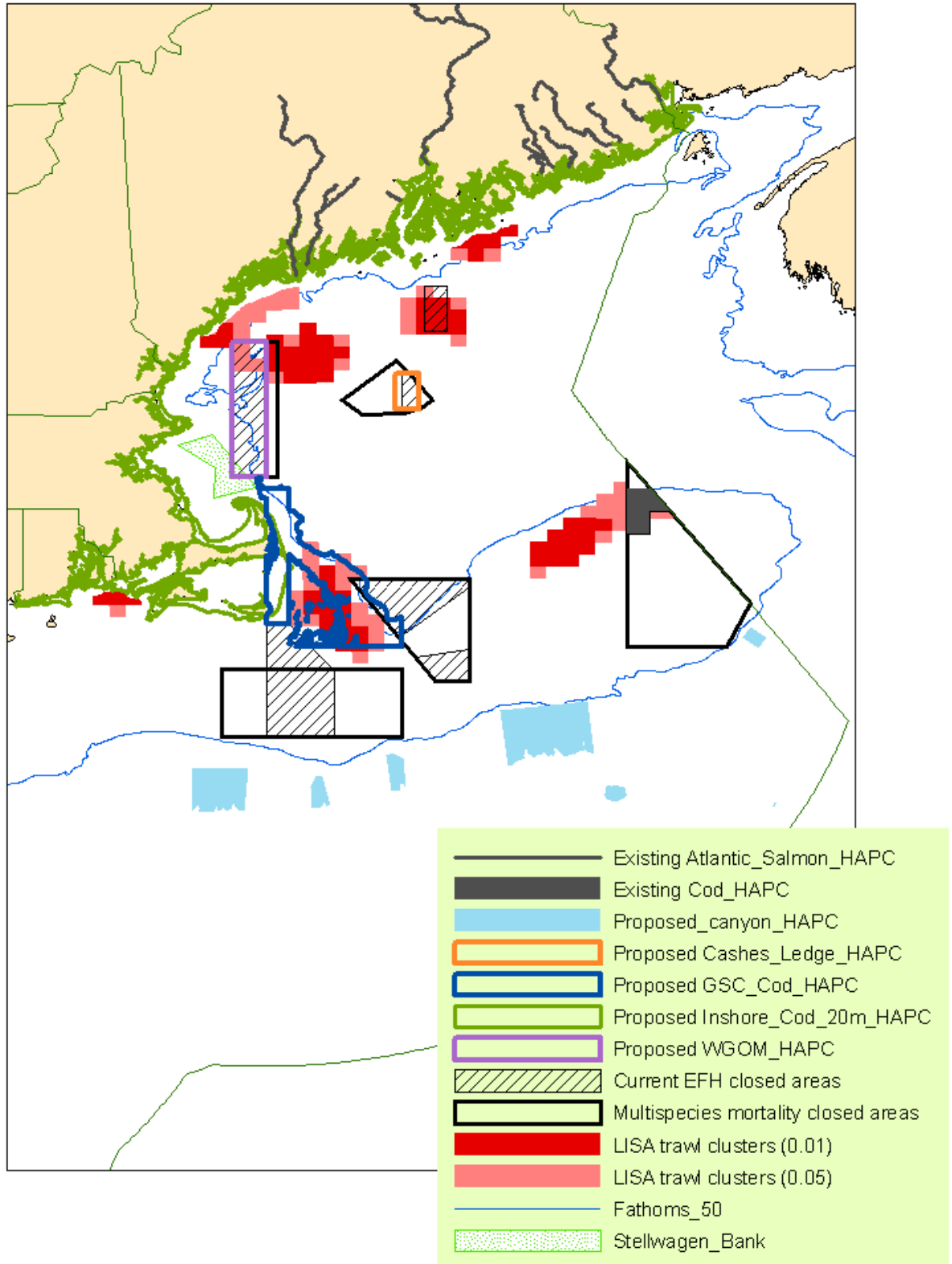


Figure 2 – Overlap of current GF closed areas, areas with habitat more vulnerable to fishing based on SASI model, existing HAPCs (in grey), and new potential HAPC areas proposed in EFH Amendment 2



Alternative ways to address the issue:

Staff understands the overall issue to be - how can the Council best coordinate modifications to closed areas that are administered under different FMPs and were developed via various actions to accomplish different goals and objectives. A list of potential ways to address this issue has been developed including the pros, cons, and different timing constraints of each approach. This information has been summarized in Table 1. Staff has reviewed and discussed these options and recommends that the Council consider pursuing **Option 2** as the best strategy to coordinate modifications to current closed areas in this region.

- 1. Proceed with Phase II of EFH Amendment 2 that includes alternatives that would modify the current EFH areas, but wait to implement those measures until a more holistic action can be developed under the Multispecies Plan that would consider modifications of the current GF closures.**

Pros: does not slow EFH process down in terms of proposing new EFH areas or eliminating current EFH areas

Cons: current EFH closed areas are effective for longer, if ultimately modified/eliminated and implementation of new areas is delayed.

Timing: If the EFH action stays on track final action scheduled for November 2011 with implementation in August 2012. A new GF action could be started in 2012, but would likely not be effective until May 1, 2013 or later. Under this option any modifications to EFH closed areas would not be effective until GF area modifications (May 1, 2013). Council would need to identify review and modification of current GF closures as a major GF related priority for 2012.

- 2. Complete EFH action now, including implementing changes to existing EFH closures and any new EFH closures, and adjust other plans later. GF plan could later consider changing GF closures, and scallop plan could arguably consider access into any areas that remain closed to scallop vessels for GF purposes that are no longer closed for EFH purposes, upon implementation of Omnibus 2 (for FY2013 under FW24).**

Pros: does not slow down EFH process, current suite of EFH closed areas could be modified earlier (August 2012), keeping actions separate could be cleaner in terms of maintaining various responsibilities for each Committee and PDT. Greater potential to increase fishery access in current EFH areas for FY2013 if those areas eliminated by EFH action.

Cons: Council has to make decisions about EFH areas without knowing status of GF closures. Potentially more resources needed to get two actions through process.

Timing: Similar to option above; if the EFH action stays on track final action scheduled to be in November 2011 with implementation in August 2012. A new GF action could be started in 2012, but would likely not be effective until May 1, 2013 or later. Under this option any modifications to EFH closed areas would not be effective before GF areas could be modified (May 1, 2013). This could lead to a temporary net increase in the spatial extent of seabed unavailable for fishing, unless a GF action was developed in 2012 and effective by 2013 that would allow access into current GF closed areas. Council would need to identify review and modification of current GF closures as a major GF related priority for 2012.

3. Expand Phase II of EFH Amendment to consider modification of groundfish closed areas as well.

Pros: Less actions to get through the Council system and NMFS review, could arguably be implemented faster than options above but not by much (best case would be several months before May 1, 2013 implementation).

Cons: Extends EFH timeline in order to expand scope of action. May need to go out and have more scoping meetings and adjust the purpose and need of the action. Effective date of all EFH proposed measures delayed, not just area related ones (EFH designations, HAPCs, canyon related measures, coral information, etc.). Will need to coordinate meetings and responsibilities of different Committees and PDTs. Since this topic added to an already large action, increased chance of overlooking important issues. For example, what is the impact of eliminating the GF closed areas on skate mortality? There may not be as much time to evaluate these details if this topic is added to EFH Amendment 2 and the desire is to implement it as fast as possible.

Timing: Similar to options above, but could possibly be a little shorter if this action only considers GF mortality closed areas and not other GF related areas like rolling closures. Early 2013 would be the best case scenario. Expanding this action may require more dedicated staff resources, so 2012 priorities for other species may need to be scaled back.

4. Forward this issue to the larger EBFM planning process. Specifically include in the Ecosystem Based Fishery Management plan that modification of GF closures should be included and expand the scope to include a wider range of issues such as mortality, biodiversity, EFH impacts, etc.

Pros: Most holistic approach could be used to consider where closed areas, if any, should be placed for a wider range of purposes.

Cons: Would likely take much longer than other alternatives described above. Lots of coordination needed between various Committees and PDTs; may even need to restructure current system of species specific Committees, APs and PDTs. By incorporating more objectives it is possible that work done for EFH closures would be revisited soon after and possibly modified, unless Council defers EFH area decisions to this Ecosystem action as well. By adding review of GF areas to an ecosystem action specifically, it may constrain EBFM development process by forcing it to deal with a single issue right away that is potentially more time sensitive.

Timing: Unclear when modifications could be implemented – not before 2013

Table 1 – Comparison of options and summary of pros and cons

	Status of EFH Phase II Action	Status of new GF action to address GF closures	Date of implementation for EFH related measures	Date of implementation for GF related measures	Pros	Cons
Option 1	Proceed with selection of EFH measures but <u>delay</u> implementation	Would need to initiate new GF action in 2012	EFH area measures delayed May 1, 2013 the earliest	GF measures May 1, 2013 the earliest	Does not slow EFH process down in terms of <i>proposing</i> EFH measures	Current EFH closed areas are effective for longer, if ultimately modified. Potential SAPs for groundfish fishery and scallop access in current EFH areas within GF closed areas would not be possible.
Option 2 (Preferred by staff)	Proceed with selection <u>and</u> implementation of EFH measures	Would need to initiate new GF action in 2012	EHF area measures planned to be effective in August 2012	GF measures May 1, 2013 the earliest	Does not slow EFH process at all; current EFH closed areas could be modified earlier (August 2012), keeping actions separate could be cleaner in terms of maintaining various responsibilities for each Committee and PDT. Greater potential to increase fishery access in current EFH areas for FY2013 if those areas eliminated by EFH action.	Council has to make decisions about EFH areas without knowing status of GF closures. Potentially more resources needed to get two actions through process.
Option 3	Expand scope of EFH action to include possible modification of GF closed areas	No new GF action needed	All EFH measures in 2013 – early 2013 best case scenario	All GF measures in 2013 – early 2013 best case scenario	Less actions to get through the Council system and NMFS review, could arguably be implemented faster than options above but not by much. If these decisions are done together there are less unknowns when identifying EFH closed areas, if any.	Extends EFH timeline in order to expand scope of action. May need to go out and have more scoping meetings and adjust the purpose and need of the action. Effective date of all EFH proposed measures delayed, not just area related ones. Will need to coordinate meetings and responsibilities of different Committees and PDTs. Since this topic added to an already large action, increased chance of overlooking important issues, e.g. skate bycatch. Less time to evaluate these details if this topic is added to EFH Amendment 2 and the desire is to implement it as fast as possible.

	Status of EFH Phase II Action	Status of new GF action to address GF closures	Date of implementation for EFH related measures	Date of implementation for GF related measures	Pros	Cons
Option 4	Proceed with selection and implementation of EFH measures and forward review of GF mortality closed areas to larger EBFM process	No new GF action needed – but a new Ecosystem action would be initiated instead	EHF area measures in August 2012. Separate Ecosystem action may or may not adjust them later. Council could even defer EFH area decisions until EBFM action.	Expected to take longer than GF action alone since an Ecosystem Planning action would likely integrate more issues. Best guess estimate in 2014.	Most holistic approach could be used to consider where closed areas, if any, should be placed for a wider range of purposes.	Would likely take much longer than other alternatives described above. Lots of coordination needed between various Committees and PDTs; may even need to restructure current system of species specific Committees, APs and PDTs. EFH closures could be revisited soon after and possibly modified by this action, unless Council defers EFH area decisions to this Ecosystem action as well. By adding review of GF areas to an ecosystem action specifically, it may constrain EBFM development process by forcing it to deal with a single issue right away that is potentially more time sensitive.