

Minority Report to the Habitat Advisory Panel  
6/5/2007

We dissented from this motion for the following reasons:

1. The Habitat Advisory Panel, Habitat Committee and the NEFMC have been developing the Omnibus EFH Amendment formally since 2004. After a great deal of deliberation, the Council voted to split the Amendment into two phases to deal first with the best available science supporting HAPCs and then to consider management actions appropriate to dealing with adverse effects on EFH. In making this decision the Council made it clear that the consideration of HAPCs in Phase I was to be based on how well the HAPC proposals met the four criteria described in the EFH final rule. In Sept. 2004 the Council approved the issuance of a RFP for HAPC proposals that was broadly advertised.
2. The Council received many proposals that were all based on the best available science, some to a greater degree than others. With few exceptions the science supporting these HAPC proposals has not appreciably advanced since the proposals were drafted. In other words, the science is as good as it's going to get and the motion is unrealistic in its requirement for better science as a prerequisite to designating HAPCs.
3. We believe that the two-phase deliberative process that was voted on by the Council, and that the public is now expecting, is the appropriate way to deal with this potentially controversial issue.

Respectfully submitted,

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