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New England Fishery Management Council

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ESSENTIAL FISH HABITAT (EFH) OMNIBUS AMENDMENT

DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (DSEIS)

PHASE 1

SUMMARY OF PUBLIC HEARING COMMENTS

Last Revised: May 29, 2007

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Essential Fish Habitat Omnibus Amendment Phase 1
Public Hearing Summary
April 11, 2007
Mystic, CT

The New England Fishery Management Council conducted a formal public hearing on the Essential Fish Habitat Omnibus Amendment 2 on April 11, 2007 in Mystic, CT at the Mystic Hilton. Leslie-Ann McGee, Council staff, provided the public with a presentation of the contents of the joint draft supplemental environmental impact statement (DSEIS) / Magnuson-Stevens Fishery Management and Conservation Act Fishery Management Plan Amendment document. Clarification questions were allowed from the public with the responses coming from Council staff. Ms. Sally McGee, Council member and Chair of the NEFMC Habitat/MPA/Ecosystems Committee presided over the public hearing.

Comment 1: The DSEIS is a large document that covers a large area and the focus is largely on fishing. Other non-fishing projects such as LNG tankers/facilities, pipeline construction, wind farms and beach nourishment will exact more destruction of fish habitat than fishing will. The Council should give a high priority to these projects.

Comment 2: The commenter would like to see the timeline for Phase 2 sped up in order to re-consider the Habitat Closed Area implemented in Amendment 10 to the Scallop Fishery Management Plan reconsidered. The commenter would also like to see the status of the stock information in the status quo essential fish habitat (EFH) designations updated.

Comment 3: The DSEIS is a very clear and complete document and will serve as a very good foundation for Phase 2. The commenter agrees with all the preferred EFH designations including the proposals for Alternative 1 for Atlantic salmon life stages. The commenter's organization supports Habitat Areas of Particular Concern (HAPC) Alternative 2, Option B (more inclusive and warranted by the science), Alternative 3 and Alternative 6C. Additionally, the Council should adopt Alternative 7, Option 2 for young-of-the-year cod as it better includes the appropriate habitats.

Comment 4: HAPCs need to be based on hard science and in many cases the evidence doesn't exist. Further, precaution is not something that should be used in Phase 1 and is not hard science. With respect to canyon HAPCs (Alternative 3), while the science is concentrated within the canyons, there is little between the canyons and the data on epifauna does not exist and it would be premature to designate these areas as HAPC but rather consider them as dedicated habitat research areas (DHRA). There is no evidence that the current cod HAPC (Alternative 1B) does anything for cod and that whatever has happened is negative and has transferred effort inshore which has negatively affected

cod habitat. Most of the area in this HAPC is sandy, gravelly and pebbles and high energy. The effects of fishing studies in this area show minimal impact due to the sedimentology of the area. With respect to the Northern Edge HAPC alternative, the biomass has increased (scallops), there is no evidence of soft corals and it is not a rare environment. Most of the utility of the northern edge is the oceanography and not the substrate. The commenter does not support the designation of this area as an HAPC and the Councils should analyze the impacts to the scallop fleet including effort transfer. The commenter does not support the Great South Channel (GSC) HAPC alternative as it is not based on hard science. Any attempt to close these areas will shift fishing to areas that have not been fished for years and will have bigger impact. The threats to the area included in Alternative 7, Option 2 (0-20m) are most likely non-fishing impacts. There are a lot of rare habitats that aren't identified and the Council can identify and re-consider the HAPC areas in Phase 2. The Council made a mistake in developing the suite of Habitat Closed Areas currently in effect which should be re-visited in Phase 2. The Council should not close areas without proper scientific evidence of fishing impacts (low frequency and intensity). Many of the studies included in the gear effects evaluation conducted by the Council were not done in the temperate environment and that new studies in this area do not conclude any long-term impacts. In conclusion, the Council should not designate any additional HAPCs and should remove or undesignate the ones current HAPCs (Alternative 9A and 9B). In Phase 2, is the Council going to examine reducing the size of the HAPCs or can one subdivide it and apply different restrictions into the areas. Do the Council's plans include other management tools than fully closed areas?

Comment 5: The DSEIS is a solid document and has some good alternatives and makes a good foundation for Phase 2. The Council separated designation of HAPCs from management of HAPCs. The Council has not determined that any HAPC designated will be a closure and in many cases is not practicable (e.g. Great South Channel, Alternative 8). The Council should closely examine the HAPC analysis in the DSEIS as the matrix provides a very good justification of the criteria. The commenter supports HAPC alternatives 2-8 and believes that they capture a range of habitats and lays out a very good set of HAPCs. Alternative 1A and 1B should remain (current HAPCs). The new Magnuson Act provides the tools for the Council to protect corals if it is not EFH if the area has been mapped and will provide detailed written comments on this. The commenter and his organization support the larger canyon alternatives (Alternative 3N and 3O). Alternative 8 (GSC) is important as it has been an area that has been recognized as an important area for cod which is still in trouble. With respect to non-fishing impacts, if an area is designated as an HAPC, the NMFS EFH consultations will be much more critically evaluated than if it was just EFH. The DSEIS discusses the prey of the managed species but doesn't evaluate the removal of these species as EFH. The determination of gear effects and adverse impacts should consider these prey spp issues.

Comment 6: The commenter submitted an earlier version of the Seamount HAPC alternative (Alternative 2) and comments on it as a member of the public. The commenter has participated in the research on these seamounts. Deep-sea red crab have been observed on both the peaks of Bear and Retriever seamounts and the Council needs to approve the preferred alternative for deep-sea red crab for these seamounts in order for them to be HAPCs. The age of the corals is on the order of many hundreds of years based on recent research on these seamounts through the NOAA Ocean Explorer's Program. By implementing the HAPC Alternative 2 (Seamount), the Council will illustrate the concern in the Atlantic at ICES which NAFO is currently considering. Additionally, the political and the human nature of the discussion is how final decisions are made but a leveling approach to the science is necessary. A workshop on the effectiveness on the closed areas from an empirical sense should be conducted to get a baseline understanding in order to inform the decision makers.

Comment 7: The commenter is concerned with Alternatives 5 and 8 in terms of the impacts of closing these areas. The area west of the Nantucket Lightship Closed Area is where the codfish historically were and would support an HAPC in that area.

Comment 8: It seems that once you implement an HAPC, it never get's opened. The Georges Bank (GB) cod HAPC should not be closed as it is not different than any other habitat. The commenter supports Alternative 9A that removes the GB cod HAPC.

Comment 9: Clearly we need "old growth forest" in the marine environment but we haven't decided how much or where it is needed. The Council needs to refine choices (Alternatives) within sub-areas of HAPCs.

Comment 10: The current GB cod HACP should be re-opened (Alternative 9A) and the Closed Area I Habitat Closed Areas re-opened. The closures haven't seemed to help as there are more cutbacks in the Multispecies fishery.

Comment 11: Alternative 8 (GSC) should be much smaller and Alternative 5 (Northern Edge) is not ok and the areas shouldn't be considered until the Council gives back fishing effort to the scallop fishery.

Comment 12: It is a very different world now than when habitat issues were first being raised and it has led to a more productive perspective. In the past, any areas developed on habitat were perceived as taking away but the new Magnuson Act will change the way we look at this and be more positive. We may be looking at a situation where the attitude of a closed area can now be looked at by the individual in a very different way. Will this closure prevent us from catching the TAC? If not, then perhaps it will not have the negative impact than it did in the past. How do we look at priorities? Perhaps we should look at it through practical achievability and should find a place where we believe it is a generator of fish and if it is very clear, and then the political/regulatory

path should be easier. Then a second set of areas could be developed that includes areas that people don't care about or need or want to fish in – won't get opposition as it won't take any money out of anyone's pocket. The very last place to propose restrictive measures would be areas that are known productive areas that are fished. These areas will be the most difficult to implement. Thinking along these lines or this approach will be more productive political approach in the future. With respect to prey species, suggest that we need to look at predator species.

Essential Fish Habitat Omnibus Amendment Phase 1
Public Hearing Summary
April 18, 2007
Ocean City, MD

The New England Fishery Management Council conducted a formal public hearing on the Essential Fish Habitat Omnibus Amendment 2 on April 11, 2007 in Ocean City, MD at the Princess Royale. Leslie-Ann McGee, Council staff, provided the public with a presentation of the contents of the joint draft supplemental environmental impact statement (DSEIS) / Magnuson-Stevens Fishery Management and Conservation Act Fishery Management Plan Amendment document. Clarification questions were allowed from the public with the responses coming from Council staff. Mr. Dennis Spitsbergen, MAFMC Council member and member of the NEFMC Habitat/MPA/Ecosystems Committee presided over the public hearing.

Comment 1: Activities on land have caused most of impacts of the marine environment. The Council should look at European science on impacts of non-fishing impacts. The Council should include world-wide science for closed area bottoms science.