
PUBLIC HEARING DOCUMENT

for

PHASE 1

OF

**AMENDMENT 14 TO THE NORTHEAST
MULTISPECIES FMP**

AMENDMENT 14 TO THE ATLANTIC SCALLOP FMP

AMENDMENT 3 TO THE ATLANTIC HERRING FMP

AMENDMENT 4 TO THE MONKFISH FMP

AMENDMENT 1 TO THE DEEP-SEA RED CRAB FMP

AMENDMENT 2 TO THE SKATES FMP

AMENDMENT 3 TO THE ATLANTIC SALMON FMP

(Essential Fish Habitat Omnibus Amendment #2)

Prepared by the

New England Fishery Management Council

50 Water Street, Mill #2

Newburyport, Massachusetts 01950

(978) 465-0492; fax (978) 465-3116

www.nefmc.org

Schedule of Public Hearings

<u>Date, City, and Time</u>	<u>Location</u>
Wednesday, April 11, 2007 Mystic, CT 4:00pm	Hilton Mystic Hotel 20 Coogan Blvd. Mystic, CT 06355 Tel: (860) 572-0731
Wednesday, April 18, 2007 Ocean City, MD 11:00am	Princess Royale 9100 Coastal Hwy Ocean City, MD 21842-2745 Tel: (410) 524-7777

Please contact the Council office at (978) 465-0492 if you need directions to any of these hearing locations or if you need a copy of the Draft Amendment/DSEIS document.

You can also view and/or download the Draft Amendment/DSEIS document from the Council's website at www.nefmc.org/habitat/index.html

How to Submit Comments

Members of the public may submit oral and/or written comments at any of public hearings listed on the back of the cover page. Also, for the purposes of this action, written comments can be sent directly to the NOAA/NMFS Northeast Regional Office – *not the Council office*. However, if you have any questions regarding the document, please contact the New England Fishery Management Council at (978) 465-0492. *Comments must be submitted before 5:00 p.m. EST on May 21, 2007.*

Comments:

See Public Hearing Schedule on back of cover page.

Comments By Mail:

Peter Colosi, Assistant Regional Administrator
Habitat Conservation Division
National Marine Fisheries Service
Northeast Regional Office
1 Blackburn Drive
Gloucester, MA 01930
Attn: "EFH Omnibus Amendment Comments"

Comments By Fax:

NMFS Northeast Regional Office
Habitat Conservation Division
(978) 281-9301

Comments By Email:

Send to: OmnibusEFH.DSEIS@noaa.gov
Subject line: "EFH Omnibus Amendment Comments"

Questions About the EFH Omnibus Amendment:

New England Fishery Management Council
(978) 465-0492

Intentionally Blank

Table of Contents

1.0	INTRODUCTION.....	6
1.1	What Is the EFH Omnibus Amendment #2?.....	7
1.2	Why is the Council Developing The EFH Omnibus Amendment #2?	10
1.3	Goals and Objectives	14
1.4	Public Hearing Process	16
1.5	What is a “Preferred” Alternative?	17
2.0	MANAGEMENT ALTERNATIVES.....	18
2.1	What is the No Action Alternative?	18
2.2	Essential Fish Habitat (FEH) Designation Alternatives	18
2.2.1	All Species With The Exception Of Deep-Sea Red Crab and Atlantic Salmon.....	20
2.2.2	Atlantic Salmon and Deep-Sea Red Crab	22
2.3	Habitat Areas of Particular Concern (HAPC).....	24
2.4	Description of Prey Species in NEFMC Fishery Management Units (FMU)	28
2.5	Evaluation of Potential Impacts of Non-Fishing on EFH	29
3.0	WHAT ARE THE COUNCIL’S PREFERRED ALTERNATIVES AT THIS TIME?.....	32
3.1	Essential Fish Habitat Designations	32
3.2	Habitat Areas of Particular Concern	33
4.0	WHAT ARE THE EXPECTED IMPACTS OF THE ALTERNATIVES?.....	34
5.0	WHAT ELSE IS IN THE EFH OMNIBUS AMENDMENT #2 DSEIS DOCUMENT?..	36

1.0 INTRODUCTION

This public hearing document contains a summary of the Draft Phase 1 Essential Fish Habitat (EFH) Omnibus Amendment #2 document, which incorporates a Draft Supplemental Environmental Impact Statement (DSEIS) and other analyses. The complete Draft Phase 1 EFH Omnibus Amendment #2/DSEIS document is available on the New England Fishery Management Council (NEFMC) website, (www.nefmc.org/habitat/index.html), or from the New England Council office. Several copies of the document will be available for review at the public hearings.

The EFH Omnibus Amendment 2 is being developed in two phases. The Phase 1 DSEIS includes a review and update of EFH designations and consideration of HAPCs (not including consideration of management measures or restrictions), an update of prey species list, an update of non-fishing impacts, and an update of research and information needs (since moved to Phase 2). The Phase 2 DSEIS will include a review and update of a gear effects evaluation and alternatives for optimizing management measures for minimizing the adverse effects of fishing on EFH across all FMPs, including the potential consideration of management measures for HAPCs designated in Phase 1. The Phase 2 DSEIS for this amendment will be developed following a 45-day public comment period on the Phase 1 DSEIS and approval of a Final Phase 1 document by the NEFMC in June 2007. Phase 1 will not be implemented until the second phase of Amendment 2 is completed and the Phase 1 and 2 documents are merged into the final Amendment 2 FSEIS sometime in 2008. The public will have an opportunity to comment on the Phase 2 DSEIS before it is finalized.

Because of its length and size, the Phase 1 Amendment/DSEIS document is divided into sections that can be downloaded from the Council's website selectively and used to access any of the detailed information summarized in this public hearing document. The main Amendment/DSEIS contains information that is likely of most interest to the public who wish to develop positions or comments on any of the alternatives/measures proposed by the New England Council. In addition to providing further detail on the proposals, the main document also includes the full analyses of the biological, economic and social impacts of all the alternatives and measures under consideration.

The information summarized in this public hearing document and presented in the Draft Phase 1 Amendment /DSEIS should be the focus of comment. Members of the public are encouraged to review the complete Phase 1 EFH Omnibus Amendment #2 DSEIS for more detailed information about the range of alternatives, the Council's rationale for selecting preferred alternatives, and the expected impacts of each EFH and HAPC designation alternative.

1.1 WHAT IS THE EFH OMNIBUS AMENDMENT #2?

The Draft Phase 1 EFH Omnibus Amendment #2 is a set of proposed changes to the essential fish habitat (EFH) components of the fishery management plans (FMPs) under jurisdiction of the New England Fishery Management Council including: Northeast Multispecies (Amendment 14), Atlantic sea scallop (Amendment 14), Atlantic herring (Amendment 3), monkfish (Amendment 4) (joint with Mid-Atlantic Fishery Management Council), deep-sea red crab (Amendment 1), skates (Amendment 2) and Atlantic salmon (Amendment 3).

The purpose of the EFH Omnibus Amendment #2 is to address additional measures that are necessary in order to (1) To meet NMFS' published guidelines for implementation of the Magnuson-Stevens Act's EFH provisions to review and revise EFH components of FMPs at least once every five (5) years; and (2) To develop a comprehensive EFH management plan that will successfully minimize adverse effects of fishing on EFH through actions that will apply to all Council-managed FMPs. This DSEIS provides information to the New England Fishery Management Council, Mid-Atlantic Fishery Management Council, the public and NMFS in order to select the best method of addressing the EFH responsibilities according with the law.

After the original Notice of Intent to prepare the EFH Omnibus Amendment #2 in February 2005, the Council declared its intent in September 2005 to complete the Omnibus Amendment in two-phases due to issues of public clarity and management complexity. The Phase 1 DSEIS includes a review and update of EFH designations and consideration of HAPCs (not including consideration of management measures or restrictions), an update of prey species list, an update of non-fishing impacts, and an update of research and information needs (since moved to Phase 2). The Phase 2 DSEIS will include a review and update of a gear effects evaluation and alternatives for optimizing management measures for minimizing the adverse effects of fishing on EFH across all FMPs, including the potential consideration of management measures for HAPCs designated in Phase 1. After the completion of Phase 1, the Council will undertake Phase 2 of the Amendment which will address the remaining requirements of the 5-year review (see Section 1.2). The final Phase 1 and Phase 2 documents will be merged into a single Amendment 2/DSEIS following a public comment period on the Phase 2 DSEIS. New EFH and HAPC designations selected in phase 1 will not be implemented until this happens.

This amendment document and draft supplemental environmental impact statement (DSEIS) presents and evaluates management measures and alternatives to achieve specific goals and objectives for the fisheries under the jurisdiction of the NEFMC. This document was prepared by the NEFMC and its Habitat Plan Development Team (PDT), in consultation with the National Marine Fisheries Service (NMFS, NOAA Fisheries) and the Mid-Atlantic Fishery Management Council (MAFMC). This amendment was developed in accordance with the Magnuson-Stevens Fishery Conservation and

Management Act (MSFCMA, M-S Act) and the National Environmental Policy Act (NEPA), the former being the primary domestic legislation governing fisheries management in the U.S. Exclusive Economic Zone (EEZ). In 1996, Congress passed the Sustainable Fisheries Act (SFA), which amended and reauthorized the MSFCMA and included a new emphasis on precautionary fisheries management. Provisions mandated by the SFA require managers to end overfishing and rebuild overfished fisheries within specified time frames, minimize bycatch and bycatch mortality to the extent practicable, and identify and protect essential fish habitat (EFH). The Act was re-authorized in 2007 with no substantial changes to the EFH provisions.

Essential Fish Habitat Designations

Including the No Action alternative (i.e., status quo conditions in the Council's FMPs if this amendment is not completed), the Council reviewed and refined the EFH designations for egg, larval, juvenile, and adult life stages of all twenty-seven (27) species under management by the Council by means of four main designation alternatives and two other minor alternatives (see **Table 1**). Each designation alternative includes a text description and a map showing the geographic area within which EFH is defined.

Habitat Areas of Particular Concern

The intent of the habitat areas of particular concern (HAPC) designation is to identify those areas that are known to be important to species which are in need of additional levels of protection from adverse impacts. Designation of HAPCs is intended to determine what areas of EFH should receive more of the Council's and NMFS' attention when providing comments on federal and state actions, and in establishing higher standards to protect and/or restore EFH. Habitats that are at greater risk to impacts, either individual or cumulative, including impacts from fishing, may be appropriate for this classification. The Draft Phase 1 EFH Omnibus Amendment 2 does not include any proposed management measures that would affect any of the proposed HAPC alternatives; they will be considered in Phase 2.

In order to qualify as an HAPC, the area must meet at least one of the following four criteria:

- Criteria 1: Importance of Current or Historic Ecological Function
- Criteria 2: Sensitivity to Anthropogenic Stresses
- Criteria 3: Extent of Current or Future Development Stresses
- Criteria 4: Rarity of the Habitat Type

In addition, the Council encouraged the development of HAPC proposals that (in no particular order):

- Will improve the fisheries management in the EEZ.
- Include EFH designations for more than one Council-managed species in order to maximize the benefit of the designations.
- Include juvenile cod EFH.
- Meet more than one of the EFH Final Rule HAPC criteria.

The Council in this action has considered and developed nine (9) major HAPC alternatives of which many contain sub-alternatives. There are no Council preferred alternatives in the range of alternatives presented by the Council for public comment. All of the HAPC alternatives, with the exception of Alternative 9 which calls for the elimination of the status quo HAPCs on Georges Bank for Atlantic cod and/or in rivers in Maine for Atlantic salmon, meet at least one of the HAPC criteria outlined in the EFH Final Rule; in some cases all criteria are met and many of the Council preferences are addressed. The Council is looking for detailed public comment on each alternative so that they can determine which of the alternatives should be selected for implementation, if any.

Prey Species

The Council has developed a description of the major prey species for each FMP and each fishery management unit (FMU) species under its jurisdiction and maps of these species locations. In addition, principal prey species are identified in the text descriptions for the EFH alternatives.

Non-Fishing Impacts

The EFH Omnibus Amendment #2 provides a detailed evaluation of the potential impacts of non-fishing activities on EFH. The purpose of this section and its corresponding report (*The Impacts to Marine Fishery Habitats in the New England and Mid-Atlantic Regions from Non-Fishing Activities*) (Appendix D) is to:

1. Identify human activities that may adversely impact essential fish habitat (EFH);
2. Review and characterize existing scientific information regarding human induced impacts to EFH;
3. Provide best management practices (BMPs) and conservation measures that can be implemented for specific types of activities which avoid or minimize adverse impacts to EFH;
4. Provide a comprehensive reference document for use by federal and state marine resource managers, permitting agencies, professionals engaged in marine habitat assessment activities, the regulated community, and the public, and to;
5. Insure that the best scientific information is available for use in making sound decisions with respect to project planning, environmental assessment, and permitting.

1.2 WHY IS THE COUNCIL DEVELOPING THE EFH OMNIBUS AMENDMENT #2?

The primary purpose of this amendment is to modify the essential fish habitat (EFH) management program for the species under the Council's jurisdiction in order to:

- (1) Meet NMFS' published guidelines for implementation of the Magnuson-Stevens Act's EFH provisions to review and revise EFH components of FMPs at least once every five (5) years (Phase 1);

- (2) To develop a comprehensive EFH management plan that will successfully minimize adverse effects of fishing on EFH through actions that will apply to all Council-managed FMPs (Phase 2).

The Council is not satisfied with its current practice of evaluating EFH and EFH management through individual plans and believes that it would be preferable to meet the EFH requirements by developing a comprehensive EFH Omnibus Amendment for all its FMPs.

Background

The Magnuson Fishery Conservation and Management Act of 1976, (renamed the Magnuson-Stevens Fishery Conservation and Management Act when amended on October 11, 1996) established a U. S. exclusive economic zone (EEZ) between 3 and 200 miles offshore, and established eight regional fishery management councils that manage the living marine resources within that area. The eighteen (18) member New England Fishery Management Council's (Council) authority extends from Maine to southern New England and, in some cases, to the mid-Atlantic because of the range of the species. The 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act, known as the Sustainable Fisheries Act (SFA), changed the focus of the Act by emphasizing the importance of habitat protection to healthy fisheries and by strengthening the ability of the National Marine Fisheries Service (NMFS) and the Councils to protect and conserve the habitat of marine, estuarine, and anadromous finfish, mollusks, and crustaceans. This habitat is termed "essential fish habitat" and is broadly defined to include "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity."

Requirements for NMFS, Councils, and Federal Agencies

To improve fish habitat protection, the SFA requires or authorizes that the Councils, NMFS, and other federal agencies take new actions. Relevant to the goals of Phase 1 of the Omnibus Amendment #2, the SFA requires that the Council amend its fishery management plans to:

1. Describe and identify essential fish habitat (EFH)
2. Identify habitat areas of particular concern (HAPC)
3. List the major prey species for the species in the FMU and discuss their location
4. Identify non-fishing activities that may adversely affect EFH

Species Under Management

With respect to the New England Fishery Management Council (Council), the Council is charged with managing fishery resources throughout the range of each managed species, generally from Maine south to the Mid-Atlantic region. Table 1 lists the Fishery Management Plans (FMPs) under jurisdiction by the Council and the species contained within the respective Fishery Management Units (FMU).

Table 1. List of species under management by the New England Fishery Management Council

FMP	Species	Common Names
Multispecies (Groundfish)	<i>Gadus morhua</i>	Atlantic cod (official) rock cod
Multispecies	<i>Glyptocephalus cynoglossus</i>	witch flounder (official) gray sole Craig fluke pole flounder
Multispecies	<i>Hippoglossus hippoglossus</i>	Atlantic halibut (official)
Multispecies	<i>Hippoglossoides platessoides</i>	American plaice (official) American dab Canadian plaice long rough dab
Multispecies	<i>Pleuronectes ferruginea</i>	yellowtail flounder (official) rusty flounder

FMP	Species	Common Names
Multispecies	<i>Macrozoarces americanus</i>	ocean pout (official) eelpout Congo eel muttonfish
Multispecies	<i>Melanogrammus aeglefinus</i>	haddock (official)
Multispecies	<i>Merluccius bilinearis</i>	whiting silver hake (official) New England hake
Multispecies	<i>Pollachius virens</i>	pollock (official) Boston bluefish coalfish green cod
Multispecies	<i>Pleuronectes americanus</i>	winter flounder (official) blackback Georges Bank flounder lemon sole sole flatfish rough flounder mud dab black flounder
Multispecies	<i>Scophthalmus aquosus</i>	windowpane flounder (official) sand flounder spotted flounder New York plaice sand dab spotted turbot
Multispecies	<i>Sebastes</i> spp.	redfish (official) rosefish ocean perch red sea perch red bream Norway haddock
Multispecies	<i>Urophycis chuss</i>	red hake (official) squirrel hake
Multispecies	<i>Urophycis tenuis</i>	white hake (official) Boston hake black hake blue hake mud hake

FMP	Species	Common Names
		ling
Multispecies	<i>Merluccius albidus</i>	Offshore hake (official) Blackeye whiting
Monkfish	<i>Lophius americanus</i>	monkfish (official) American goosefish angler allmouth molligut fishing frog
Sea Scallop	<i>Placopecten magellanicus</i>	Atlantic sea scallop (official) giant scallop smooth scallop deep sea scallop Digby scallop ocean scallop
Skates	<i>Amblyraja radiata</i>	Thorny skate (official) Mud skate Starry skate Spanish skate
Skates	<i>Dipturus laevis</i>	Barndoor skate (official)
Skates	<i>Leucoraja erinacea</i>	Little skate (official) Common skate Summer skate Hedgehog skate Tobacco Box skate
Skates	<i>Leucoraja garmani</i>	Rosette skate (official) Leopard skate
Skates	<i>Malacoraja senta</i>	Smooth skate (official) Smooth-tailed skate Prickly skate
Skates	<i>Leucoraja ocellata</i>	Winter skate (official) Big skate Spotted skate Eyed skate
Skates	<i>Raja eglanteria</i>	Clearnose skate (official) Brier skate
Deep-Sea Red Crab	<i>Chaceon quinquegens</i>	Deep-Sea red crab (official)

FMP	Species	Common Names
Atlantic Herring	<i>Clupea harengus</i>	Atlantic sea herring (official) Labrador herring sardine sperling brit
Atlantic Salmon	<i>Salmo salar</i>	Atlantic salmon (official) sea salmon silver salmon black salmon

1.3 GOALS AND OBJECTIVES

Due largely to the need to clarify issues of complexity for the public, in September 2005 the Council published in the Federal Register a Supplemental Notice of Intent declaring its intention to complete Omnibus Amendment 2 in a two-phased approach. Separation of this large action into two phases will allow for the continued sequential development of the Omnibus Amendment but avoids the creation of an extremely large and complex action that may not be decipherable from the public's perspective. Further, in order to meet the Sustainable Fisheries Act intention of the EFH mandate, it was deemed prudent to take a step-wise approach. For instance, it is necessary to determine what constitutes EFH prior to conducting an evaluation of the potential effects of fishing on EFH and to develop a range of alternatives to minimize, mitigate or avoid any adverse impacts that are more than minimal and not temporary in nature. The Council's approved goals and objectives for the two-phase EFH Omnibus Amendment are listed here. Bolded items denote those that apply to Phase 1 of the Amendment.

GOALS

1. **Redefine, refine or update the identification and description of all EFH for those species of finfish and mollusks managed by the Council, including the consideration of HAPCs;**
2. Identify, review and update the major fishing activities (MSA and non-MSA) that may adversely affect the EFH of those species managed by the Council;
3. **Identify, review and update the major non-fishing activities that may adversely affect the EFH of those species managed by the Council;**
4. Identify and implement mechanisms to protect, conserve, and enhance the EFH of those species managed by the Council to the extent practicable;

5. Define metrics for achieving the requirements to minimize adverse impacts to the extent practicable;
6. Integrate and optimize measures to minimize the adverse impacts to EFH across all Council managed FMPs;
7. Update research and information needs;
8. **Review and update prey species information for each species in the FMU.**

OBJECTIVES

- **Identify new data sources and assimilate into the process to meet goals (state, federal and other data sources);**
- **Implement review of existing HAPCs and consider modified or additional HAPCs,**
- **Review EFH designations and refine or redefine where appropriate as improved data and analysis become available (Goal 1);**
- **Develop analytical tools for designation of EFH, minimization of adverse impacts, and monitoring the effectiveness of measures designed to protect habitat (Goal 1, Goal 3 and Goal 5);**
- **Modify fishing methods and create incentives to reduce the impacts on habitat associated with fishing (Goal 4);**
- **Support restoration and rehabilitation of fish habitat which have already been degraded (by fishing and non-fishing activities) (Goal 4);**
- **Support creation and development of fish habitat where appropriate and when increased fishery resources would benefit society (Goal 4);**
- **Develop a strategy for prioritizing habitat protection (Goal 4);**
- **Develop criteria for establishing and implementing dedicated habitat research areas (Goal 7);**
- **Design a system for monitoring and evaluating the benefits of EFH management actions including dedicated habitat research areas (Goal 7).**

The purpose (four-fold) of Phase 1, which is the focus of this Draft Supplemental Environmental Impact Statement (DSEIS) and Fishery Management Plan Amendment, includes the following four main goals:

- Redefine, refine or update the identification and description of all EFH for those species of finfish and mollusks managed by the Council, including the consideration of HAPCs;
- Identify, review and update the major non-fishing activities that may adversely affect the EFH of those species managed by the Council
- Identify, review and update the major non-fishing activities that may adversely affect the EFH of those species managed by the Council;
- Review and update prey species information for each species in the FMU.

1.4 PUBLIC HEARING PROCESS

The Council is seeking public comments on all proposed EFH and HAPC designation alternatives and other required sections in the Phase 1 EFH Omnibus Amendment #2/DSEIS. The Council has also prepared a Draft Supplemental Environmental Impact Statement (DSEIS) containing a description of the affected human and natural environments and the potential biological, economic, and social impacts of the proposed alternatives/measures. This public hearing document is an abbreviated version of the Draft Phase 1 EFH Omnibus Amendment #2 document and DSEIS. It contains a description of each alternative and a summary of the potential impacts of the proposed action.

The Council also is seeking comment on the content of the Phase 1 EFH Omnibus Amendment #2/ DSEIS, including the background information and impact analyses. Copies of the complete document will be available for review at the public hearings and can be obtained by contacting the Council office at (978) 465-0492. These documents are also available in electronic format on the Council website at www.nefmc.org/habitat/index.html. Because of its length and size, the document is divided into sections that can be downloaded selectively and used to access any of the information summarized here in more detail.

Following public hearings and the end of the comment period on the DSEIS on **May 21, 2007**, and after a meeting of the Habitat Plan Development Team, the Habitat Advisory Panel, the Habitat/MPA Committee will meet to review comments on the EFH Omnibus Amendment #2 and make recommendations to the Council for final measures to be adopted in Phase 1 of the EFH Omnibus Amendment #2. The Council will review the

comments and recommendations of the Habitat Committee and will select the measures to be submitted to NMFS in EFH Omnibus Amendment #2. This determination is anticipated to occur at the June 19-21, 2007 NEFMC meeting in Portland, ME. The Council staff will then complete a Final Phase 1 EFH Omnibus Amendment #2 1/EIS document and will submit it to NMFS. However, NMFS will not file a Record of Decision on Phase 1 topics until Phase 2 is complete and the two components of the amendment are combined sometime in 2008.

1.5 WHAT IS A “PREFERRED” ALTERNATIVE?

An alternative that is identified as “**preferred**” reflects the Council’s favored approach to designating EFH at this time. The Council selected preferred alternatives based on the information and analyses contained in the Phase 1 DSEIS for the EFH Omnibus Amendment #2. However, the Council has not yet made final decisions on Phase 1 topics within the EFH Omnibus Amendment #2. Following public hearings and an opportunity for the public to review the Phase 1 and Phase 2 draft documents and provide input to the Council. Your comments on all of the alternatives, both written and oral, will help the Council determine which measures should be submitted to the Secretary of Commerce in the Final EFH Omnibus Amendment #2 document.

2.0 MANAGEMENT ALTERNATIVES

2.1 WHAT IS THE NO ACTION ALTERNATIVE?

The No Action alternative is required for consideration by the National Environmental Policy Act (NEPA) and provides a benchmark, enabling decision makers to compare the magnitude of environmental impacts of other alternatives under consideration. It is a viable alternative that the Council could ultimately select if adequate justification is provided. However, it is unlikely that the No Action alternative will be adopted, given that the Council has expressed support for updating and redefining EFH and implementing additional HAPCs and has invested substantial time and resources into developing the alternatives in the DSEIS.

The No Action alternative equates to status quo conditions for the essential fish habitat components of FMPs and maintains the current management measures that have been implemented to minimize the adverse impacts of fishing on EFH if the EFH Omnibus Amendment #2 is not completed by the Council and/or implemented by NMFS. The EFH designations and the HAPC designations currently in effect would remain and no description of the prey species for the species in FMUs would exist. Further, the evaluation of non-fishing impacts included in the EFH Omnibus Amendment #1 (1998) would remain.

2.2 ESSENTIAL FISH HABITAT (EFH) DESIGNATION ALTERNATIVES

Background

According to the EFH Final Rule (50 CFR Part 600.815(a)(1)(i)), FMPs must consider and include the following components with respect to the designation of EFH:

1. *Describe and identify EFH in text that clearly states the habitats or habitat types determined to be EFH for each life stage of the managed species.*
2. *Explain the physical, biological, and chemical characteristics of EFH and, if known, how these characteristics influence the use of EFH by the species/life stage.*
3. *Identify the specific geographic location or extent of habitats described as EFH. FMPs must include maps of the geographic locations of EFH or the geographic boundaries within which EFH for each species and life stage is found.*

In order to develop these components, Councils need basic information to understand the usage of various habitats by each managed species. Pertinent information includes the geographic

range and habitat requirements by life stage, the distribution and characteristics of those habitats, and current and historic stock size as it affects occurrence in available habitats. The Council has utilized an up-dated series of NEFSC EFH Source Documents (Technical Memo series) developed for each managed species for this purpose, as well as an analysis of benthic habitat features (depth, bottom temperature, and substrate types) that correlate with relative abundance survey data for life stages that occupy these habitats.

To summarize the life history information necessary to understand each species' relationship to, or dependence on, its various habitats, using text, tables, and figures, as appropriate, the Council developed and included EFH designation text for each species and life stage which is included in Section 4.1. Additionally, to settle on these concise descriptions, the Council created supplemental tables (Appendix B) for each species and life stage that contain information on the *patterns of temporal and spatial variation in the distribution of each major life stage (defined by developmental and functional shifts) to aid in understanding habitat needs.* These tables summarize all available information on environmental and habitat variables that control or limit distribution, abundance, reproduction, growth, survival, and productivity of the managed species as was included in the EFH Source Documents and other primary literature. The source of the information compiled in the supplementary tables and the subsequent EFH tables and text descriptions includes *peer-reviewed literature, unpublished scientific reports, data files of government resource agencies, fisheries landing reports, and other sources of information* (including the analysis of trawl survey data, see above). As is appropriate, the Council evaluated the efficacy and importance of each information source and utilized *different types of information according to its scientific rigor.* As such, the Council used the best scientific information available which is consistent with National Standard 2. For a more detailed explanation of the methods employed in generating the EFH text descriptions including a description of the levels of information (as defined by the EFH Final Rule) available on the species distribution and abundance in relation to benthic habitat features, refer to the Methods Appendix (Appendix A). This appendix provides information on the analyses *conducted to distinguish EFH from all habitats potentially used by a species.*

FMPs must include *maps that display, within the constraints of available information, the geographic locations of EFH or the geographic boundaries within which EFH for each species and life stage is found.* These maps, found in Section 4.1, identify, for each alternative, the areas within which EFH is defined for each species and life stage and explicitly distinguish EFH from non-EFH areas. The Council followed the guidance provided by the NEFSC Habitat Evaluation Review Committee (July 2005) in the development of methods to map EFH to the extent possible and to more closely link the maps with the text descriptions of EFH. A detailed look at the map representation methods is found in Appendix A.

The Council is seeking public comment on the essential fish habitat (EFH) designation alternatives described in the following subsections.

2.2.1 All Species With The Exception Of Deep-Sea Red Crab and Atlantic Salmon

Due to their unique life history characteristics and the data used to support EFH designations, EFH designation alternatives for deep-sea red crab and Atlantic salmon were developed separately from the other twenty-five (25) species under management by the Council. For the core group of twenty-five (25) species (see **Table 1**), four distinct management alternatives (Alternatives 1-4) were developed with an additional one or two alternatives for special cases that apply only to a very small subset of species (Alternative 5 and 6). It is important to note that where applicable, EFH designation alternatives were developed for each life stage of each species (in most cases this is eggs, larvae, juveniles and adults). A summary of the major methods used are in Table 2-Table 4.

Alternatives and Methods for All Species with the Exception of Atlantic Salmon and Deep-Sea Red Crab

Table 2. General Description of Methods Used to Develop EFH Designation Alternatives For Most Species¹

Alternative 1: No Action – current abundance-based EFH designation remains in place				
Inshore	Continental shelf	Off-shelf	Comments	Section
Certain bays and estuaries (ELMR) ²	1963-1997 spring and fall NMFS trawl surveys, 1982-1997 summer scallop dredge surveys, and 1977-1987 egg and larval surveys	Not included	Based on 75 th , 90 th or 100 th percentiles of catch or area ³	4.1.1
Alternative 2: Modified abundance-based				
Inshore	Continental shelf	Off-shelf	Comments	Section
Certain bays and estuaries (ELMR) + 10% occurrence in state surveys ⁴	1968-2005 spring and fall NMFS trawl surveys at 25 th (Option 2A), 50 th (2B), 75 th (2C), and 90 th (2D) percentiles of catch or area ^{3,4,5,6}	Not included	No alternatives for pelagic eggs and larvae unless adults or juveniles were used as proxies	4.1.2
Alternative 3: Habitat features plus abundance				
Inshore	Continental shelf	Off-shelf	Comments	Section
Same as alt 2	Distribution of depths and bottom temperatures associated with high catch rates in the 1963-2003 NMFS trawl surveys or identified in EFH source documents, plus abundance in 1968-2005 spring and fall NMFS trawl surveys at 25 th (Option 3A), 50 th (3B), 75 th (3C), and 90 th (3D) percentiles of catch or area ^{3,5,6,8}	Known or inferred presence by depth and geographic ranges	Substrate types also used to map habitat for some species; egg and/or larval alternatives only developed for 5 species; spatial extent of habitat layers for each option limited by range of survey data ⁹	4.1.3
Alternative 4: Entire range in EEZ				
Inshore	Continental shelf	Off-shelf	Comments	Section
Same as alt 2	Same as alternative 3 using entire range of survey data	Same as 3	No alternatives for pelagic eggs and larvae unless adults or juveniles were used as proxies	4.1.4
Alternative 5: Additional options for scallops, offshore hake, and winter flounder¹⁰				4.1.5
Alternative 6: Additional options for winter flounder¹¹				4.1.6

¹ Methods described in this table generally apply to all species except deep-sea red crab and Atlantic salmon, but in some cases variations on the general methodology were used

² In most cases, where life stage and species was listed as common, abundant, or highly abundant

³ For benthic life stages, cumulative percentage of average catch (number of fish per tow) per ten minute square (TMS) of latitude and longitude ranked in order of decreasing abundance, summed over all squares; for pelagic life stages, cumulative percentage of the area represented by TMS ranked in order of decreasing abundance

⁴ TMS where target species and life stage was caught in 10% or more of survey tows

- ⁵ Uses different survey areas and data transformation procedure than in the No Action alternatives
⁶ Alternatives for scallops based on 1982-2005 summer scallop dredge survey
⁷ Alternative 2E for cod eggs and larvae is the same as 2D, except that TMS south of 38° N latitude were not included, and alternative 2E for herring juveniles and adults is the same as 2C, with TMS added to fill in gaps
⁸ 3E alternatives added for benthic lifestages of cod, scallops, haddock, little skate, windowpane flounder, winter flounder, and winter skate based on 3D maps with TMS added to fill in gaps, 3E for adult witch flounder based on 3D for juveniles
⁹ 3A habitat layers limited by 50th percentile, 3B by 75th percentile, 3C by 90th percentile, and 3D by entire range of survey data
¹⁰ For scallops, same as Alternative 4 with addition of TMS in Gulf of Maine; for offshore hake Alternative 3E for juveniles + 3C for adults; two options for winter flounder eggs and larvae same as Alternative 3 but excluding depths >20 meters in Nantucket Sound, with and without bays and estuaries where eggs and larvae are common or abundant (ELMR information)
¹¹ For eggs and larvae, includes area of continental shelf to maximum depth of 72 meters within range of coastal spawning areas

2.2.2 Atlantic Salmon and Deep-Sea Red Crab

Alternatives and Methods for Atlantic Salmon

Table 3. General Description of Methods Used to Develop EFH Designation Alternatives For Atlantic Salmon

Atlantic Salmon					
Alternative	Riverine/Estuarine	Continental shelf	Off-shelf	Comments	Section
Alt 1 (No Action): current EFH designation remains in place	Watersheds of all rivers where salmon that are currently or were historically accessible for migration and certain coastal bays and estuaries (ELMR) ¹	Not included	Not included		4.1.7.1.1
Alt 2: ten year presence²	All rivers and streams in watersheds where presence of salmon was documented during 1996-2005 and certain coastal bays and estuaries (ELMR) ¹	Not included (option 1); out to 3-mile limit (option 2); entire EEZ south to 41°N latitude (option 3)	Option 3 only		4.1.7.1.2
Alt 3: three year presence²	All rivers and streams in watersheds where presence of salmon was documented during 2003-2005 and certain coastal bays	Same as 2	Same as 2		4.1.7.1.3

	and estuaries (ELMR) ¹				
--	-----------------------------------	--	--	--	--

Alternatives and Methods for Deep-Sea Red Crab

Table 4. General Description of Methods Used to Develop EFH Designation Alternatives For Deep-Sea Red Crab

Deep-Sea Red Crab					
Alternative	Inshore	Continental shelf	Off-shelf	Comments	Section
Alt 1 (No Action): current EFH designation remains in place	Not applicable	Not included	Depth and geographic ranges by lifestage on continental slope	Level 1 information (presence only)	4.1.7.2.1
Alt 2: refined depth preferences on continental slope	Not applicable	Not included	Revised depth ranges by lifestage, same geographic ranges (slope only)	Level 2 information (relative abundance)	4.1.7.2.2
Alt 3: refined depth preferences on slope and two seamounts	Not applicable	Not included	Same as alt 2 with seamounts where crabs have been observed ³	Level 2 on slope, level 1 on seamounts	4.1.7.2.3
Alt 4: refined depth preferences on slope plus continental shelf	Not applicable	Depth range in the Gulf of Maine	Same as alt 2	Level 2 on slope, level 1 on shelf	4.1.7.2.4
Alt 5: refined depth preferences on slope plus continental shelf and two seamounts	Not applicable	Same as alt 4	Same as alt 3 ³	Level 2 on slope, level 1 on shelf and seamounts	4.1.7.2.5

Alt 6: refined depth preferences on slope plus continental shelf and three seamounts	Not applicable	Same as alt 4	Same as alt 2 with seamounts that meet depth criterion ^{3,4}	Level 2 on slope, level 1 on shelf and seamounts	4.1.7.2.6
---	----------------	---------------	---	--	-----------

¹ Where life stage is listed as rare, common, or abundant

² Text descriptions based on habitat types (option A) or life stage (option B)

³ Seamounts mapped by maximum depth of occurrence (option A) or feature-defined polygons (option B)

⁴ Includes two seamounts with minimum depths of 2000 meters or less where red crabs have been observed plus a third that meets the depth criterion, but where no red crabs have been reported

2.3 HABITAT AREAS OF PARTICULAR CONCERN (HAPC)

The EFH Final Rule (50 CFR 600.815(8)) states that *FMPs should identify specific habitat types or areas within EFH as habitat areas of particular concern based on one or more of the following considerations: importance of historic or current ecological function, sensitivity to anthropogenic stresses, extent of current or future development stresses, and rarity of the habitat type.* In addition to addressing these criteria, the Council encouraged the development of HAPC proposals that (in no particular order): 1) will improve the fisheries management in the EEZ; 2) include EFH designations for more than one Council-managed species in order to maximize the benefit of the designations; 3) include juvenile cod EFH and/or 4) meet more than one of the EFH Final Rule HAPC criteria (listed above).

A Request for Proposals soliciting ideas from the public on HAPCs, for consideration in the EFH Omnibus Amendment #2, was issued on December 18, 2004 and closed on March 25, 2005 during which time the public was freely able to prepare and submit candidate HAPC proposals for the Council’s consideration. Nine (9) complete proposals were received by the Council. The Council reviewed these proposals through their Habitat Plan Development Team, Habitat Advisory Panel and Habitat Oversight Committee and developed *designation alternatives* for Council consideration. These alternatives, along with maps of the areas, are included in Section 4.2.

Table 5. Summary of HAPC Criteria and Council Preference Determinations

Alternative	Ecological Function	Anthropogenic Stress	Development Stresses	Rarity	Improve Management	Multiple EFH Designations	Juvenile Cod EFH	Meets > 1 Criteria
1 – Status Quo								
1A	X	X			X		X	X
1B	X	X			X			X
2 - Seamounts	X	X		X	X			X
3 – Deep-Sea Canyons	X	X	X	X	X	X	X	X
4 – Cashes Ledge Area	X	X	X	X	X	X		X
5 – Georges Bank / Northern Edge	X	X	X	X	X	X	X	X
6 – Jeffreys Ledge / Stellwagen Bank	X	X	X	X	X	X	X	X
7 – Inshore Cod	X	X	X		X	X	X	X
8 – Great South Channel Area	X	X	X	X	X	X	X	X
9 – Eliminate SQ HAPCs								
1A	X	X			X		X	X
1B	X	X			X			X

Alternative 1

Alternative 1 is the No Action alternative. Under the No Action alternative, the current habitat areas of particular concern (HAPC) designations remain in place including the Atlantic salmon HAPCs and the Georges Bank Cod HAPC.

Alternative 2

Alternative 2 seeks to designate seamounts within the New England Seamount chain inside the U.S. EEZ. An HAPC designation is proposed for Bear, Physalia and Retriever seamounts, and the minor topographic rises surrounding them, that are within the U.S. EEZ off the southern edge of Georges Bank.

This alternative includes two options:

- *Option A: Bear and Retriever where managed species (deep-sea red crab) have been documented.*
- *Option B: Bear, Retriever and Physalia seamounts where managed species have been documented or can be inferred to exist by analogy.*

Alternative 3

This alternative identifies deep-sea canyon habitats that contain, or are believed to contain, structure- or habitat-forming organisms including, but not limited to, stone corals (Cnidaria, Anthozoa, Hexacorallia, Scleractinia), black corals (Anthipitharians), cerianthid anemones (Cnidaria, Anthozoa, Hexacorallia, Ceriantharia), soft corals (Cnidaria, Anthozoa, Octocorallia), sea pens (Cnidaria, Anthozoa, Octocorallia, Pennatulacea) and sponges (Porifera).

Although the Alternatives (3A – 3O) are included in a single HAPC designation alternative, each canyon(s) alternative will be treated individually. That is, the Councils may select none, one, more than one, or all of the following canyons for designation.

- 3A: Heezen
- 3B: Lydonia
- 3C: Gilbert
- 3D: Oceanographer
- 3E: Hydrographer
- 3F: Veatch
- 3G: Alvin and Atlantis
- 3H: Hudson

- 3I: Toms and Hendrickson
- 3J: Wilmington
- 3K: Baltimore
- 3L: Washington
- 3M: Norfolk
- 3N: Oceanographer, Gilbert and Lydonia
- 3O: Toms, Hendrickson and Inter-Canyon Areas

Alternative 4

This alternative seeks to extend the boundaries of the Cashes Ledge Habitat Closed Area and designate the area as an HAPC. The larger area includes deeper water habitats and ridges associated with Cashes Ledge.

Alternative 5

This alternative expands the existing Georges Bank HAPC designation westward to encompass more gravel, cobble, and boulder habitat features known to improve the survival of juvenile cod and other species.

Alternative 6

This alternative seeks to designate portions of Jeffreys Ledge and Stellwagen Bank as diverse and highly productive habitat features within the Gulf of Maine.

This alternative includes three options for public comment:

- *Option A: Designate as HAPC the Western Gulf of Maine Habitat Closed Area*
- *Option B: Designate as HAPC the Western Gulf of Maine Groundfish Closure plus a westward extension into the Stellwagen Bank National Marine Sanctuary*
- *Option C: Designate as HAPC the Western Gulf of Maine Groundfish Closure and the Stellwagen Bank National Marine Sanctuary in their entirety*

Alternative 7

This alternative seeks to designate the inshore areas of the Gulf of Maine and Southern New England specifically to recognize the importance of the inshore areas to juvenile Atlantic cod. In 1999, the Council voted to approve this alternative and include it in the next appropriate fishery management plan vehicle. Since that time, the Habitat Plan Development Team has advised the Habitat Committee, based on the supporting information, that the Alternative should be expanded to include two options for public comment.

This alternative includes two options for public comment:

- Option 1: Low tide line to a depth of 10 m (33') Mean Lowest Low Water
- Option 2: Low tide line to depth of 20m (66') Mean Lowest Low Water

Alternative 8

This alternative proposes to designate the Great South Channel area as an HAPC for Atlantic cod in order to recognize the importance of the area for its high benthic productivity and hard bottom habitats, which provide structured benthic habitat and food resources for cod and other demersal-managed species.

Alternative 9

This alternative provides a mechanism for the Council to remove or “un-designate” one or both of the current HAPCs for juvenile Atlantic cod on Georges Bank and for Atlantic salmon in Maine rivers and estuaries.

2.4 DESCRIPTION OF PREY SPECIES IN NEFMC FISHERY MANAGEMENT UNITS (FMU)

The EFH Final Rule (50 CFR Part 600.815) requires that these FMPs “list the major prey species for the species in the fishery management unit and discuss the location of prey species’ habitat.” According to the Rule, “loss of prey may be an adverse effect on EFH and managed species because the presence of prey makes waters and substrate function as feeding habitat, and the definition of EFH includes waters and substrate necessary to fish for feeding. Therefore, actions that reduce the availability of a major prey species, either through direct harm or capture, or through adverse impacts to the prey species’ habitat that are known to cause a reduction in the population of the prey species, may be considered adverse effects on EFH if such actions reduce the quality of EFH. ... Adverse effects on prey species and their habitats may result from fishing and non-fishing activities.”

NOAA Fisheries (NMFS) has offered the Councils the following draft guidance (April 2006) on implementing the Prey Species Requirement of the EFH Final Rule as follows:

- *The definition of EFH in the regulatory guidelines acknowledge that prey, as part of “associated biological communities”, may be considered a component of EFH for a species and/or lifestage (50 CFR 600.10). However, including prey in EFH identifications and descriptions has considerable implications for the overall scope of EFH when those prey are considered during the EFH consultation process. It is important that prey do not become a vehicle for overly expansive interpretations of EFH descriptions. To avoid this*

pitfall, the following suggestions should be considered when including prey in an EFH description:

- *Prey species alone should not be described as EFH. Instead, prey should be included in EFH descriptions as a component of EFH (along with others components such as depth, temperature, sediment type).*
- *If the FMP identifies prey as a component of EFH, the FMP should specify those prey species and how their presence “makes the waters and substrate function as feeding habitat” (50 CFR 600.815(a)(7)).*
- *While prey may be considered a component of EFH, prey habitat should not be identified as EFH in FMPs unless it is also EFH for a managed species. Identifying prey habitat as EFH could be viewed as over-extending the scope of EFH which should consist of habitat necessary for the managed species (50 CFR Preamble). However prey species habitat should be discussed in the FMP (52 CFR 600.815 (a)(7)).*

Accordingly, the New England Fishery Management Council has developed a description of the major prey species for each FMP and each fishery management unit (FMU) species under its jurisdiction and has produced maps showing the distribution of a number of these prey species and species groups (Section 5.1).

2.5 EVALUATION OF POTENTIAL IMPACTS OF NON-FISHING ON EFH

The EFH Final Rule (50 CFR Part 600.815(a)(1)) requires that FMPs *identify activities other than fishing that may adversely affect EFH...FMP should describe known and potential adverse effects to EFH. For each activity, the FMP should describe known and potential effects to EFH. In addition FMPs must identify actions intended to encourage the conservation and enhancement of EFH, including recommended measures to avoid, minimize or compensate for the identified adverse effects.* This requirement of the EFH Final Rule was originally completed for all species managed by the New England Fishery Management Council in 1998-1999 in the Omnibus EFH Amendment 1. New information and conclusions included in the Phase 1 DSEIS would replace what was made available in the first EFH amendment.

Accordingly, NOAA Fisheries (NMFS) (with support from the Council staff) conducted a Non-Fishing Impacts Workshop in January 2005 in order to evaluate and compile the best scientific information available on the potential effects of non-fishing activities on EFH. The purpose of the Workshop was to review and evaluate the existing information so that FMPs developed by the New England and Mid-Atlantic Councils can be updated as necessary. In addition to the above purpose, it was NOAA Fisheries’ intent to broaden the overall scope of this activity to develop a reference document for use by professionals engaged in marine habitat assessment, permitting agencies, and state and federal marine resource managers. Conceptually, it is intended that this document will briefly describe the life history and habitat requirements of the

species, the activities that may impact the habitat, and general conservation recommendations on how to avoid, minimize, or compensate for such impacts. The overall goal of the reference document is to insure that the best scientific information is available and used in making sound decisions with respect to the various environmental review and permitting processes. The document will focus on all federally-managed species managed through the NOAA Fisheries Northeast Regional Office.

As a result of the Workshop, NOAA Fisheries has produced a reference document that contains an evaluation of the potential impacts of non-fishing activities on EFH in the Northeast region. In this evaluation the following main impact categories are explored:

- Coastal Development
- Energy-Related Activities
- Alteration to Freshwater Systems
- Marine Transportation
- Offshore Dredging and Disposal
- Chemical Effects: Water Uptake and Discharge Facilities
- Physical Affects: Water Uptake and Discharge Facilities
- Agriculture and Silviculture
- Aquaculture and Introduced Species
- Global Effects and Other Impacts

Each chapter provides detailed descriptions and scientific references of the types of fish and habitat impacts associated with each type of activity. Each chapter concludes with a list of best management practices and/or conservation recommendations that should be implemented for each type of activity which would avoid, minimize or mitigate those adverse impacts. Summary tables, which list the types of impacts from various activities and were developed at the 2005 Workshop on Non-Fishing Impacts, are provided. These tables also identify the potential effects from those activities and categorize the degree of impact associated with each effect for demersal and pelagic species located in riverine, estuarine and marine environments. It is the intent of the Council to utilize this reference document as the best available information on the effects of non-fishing activities on EFH. The evaluation can be found in Section 5.2 of the DSEIS and the complete reference document in Appendix D.

3.0 WHAT ARE THE COUNCIL'S PREFERRED ALTERNATIVES AT THIS TIME?

As previously described, a designation alternative that is identified as “**preferred**” reflects the Council’s favored approach to managing EFH at this time. The Council is seeking your comments on the preferred alternative as well as other alternatives under consideration. The final selection of measures for inclusion in the Phase 1 EFH Omnibus Amendment 2 is scheduled to occur at the June 2007 Council meeting.

3.1 ESSENTIAL FISH HABITAT DESIGNATIONS

The preferred alternatives selected for public comment are listed in Table 6. For most species, no new alternatives were developed for the pelagic egg and larval stages because no new information was available. For the benthic life stages (mostly juveniles and adults), all of the preferred alternatives were based on a methodology which made the greatest use of available scientific information (various options in Alternative 3 or Alternative 5) and more explicitly linked revised test descriptions with the maps.

Table 6. Preferred Alternatives for EFH Designation Alternatives

Species	Eggs	Larvae	Juveniles	Adults
American plaice	NAD	NAD	3C	3C
Atlantic cod	2E	2E	3E	3E
Atlantic halibut	3	3	3	3
Atlantic herring	5	NAD	2E	2E
Atlantic salmon	No PA	No PA	No PA	No PA
Atlantic sea scallop	NAD	NAD	5	5
Barndoor skate	NAD	N/A	3D	3D
Clearnose skate	NAD	N/A	3C	3C
Deep-sea red crab	NAD	3A	3A	3A
Haddock	NAD	N/A	3D	3E
Little skate	NAD	N/A	3E	3E
Monkfish	4	4	3C	3C
Ocean pout	2C	2	3C	3C

Species	Eggs	Larvae	Juveniles	Adults
Offshore hake	NAD	NAD	5	5
Pollock	2D	2D	3D	3D
Red hake	3C	3C	3C	3D
Redfish	N/A	3D	3D	3D
Rosette skate	NAD	N/A	3C	3C
Silver hake	2D	2D	3C	3C
Smooth skate	NAD	N/A	3D	3D
Thorny skate	NAD	N/A	3C	3D
White hake	2D	2D	3D	3D
Windowpane flounder	NAD	NAD	3E	3E
Winter flounder	5A	5A	3E	3E
Winter Skate	NAD	NAD	3E	3E
Witch flounder	NAD	N/A	3D	3E
Yellowtail flounder	NAD	NAD	3D	3D

No PA: indicates no preferred alternative selected by Council

N/A: indicates that this does not exist as a distinct life history stage for this species.

NAD: indicates No Alternative Designation due to lack of new information.

3.2 HABITAT AREAS OF PARTICULAR CONCERN

The Council did not select preferred alternatives for HAPCs and solicits public comment on all of the alternatives under consideration.

4.0 WHAT ARE THE EXPECTED IMPACTS OF THE ALTERNATIVES?

The impact analysis in the Draft Phase 1 EFH Omnibus Amendment #2 focuses on the valued ecosystem components (VECs) that were identified for this amendment and described in detail in Section 7.0 of the document. **The VECs for consideration in EFH Omnibus Amendment #2 are the Biological and Physical Environment, the Economic Environment, and the Social Environment.**

VECs represent the resources, areas, and human communities that may be affected by a proposed action or alternatives and by other actions that have occurred or will occur outside the geographic scope of the proposed action. VECs are the focus of an EIS since they are the “place” where the impacts of management actions are exhibited. An analysis of impacts is performed on each VEC to assess whether the direct/indirect effects of an alternative adds to or subtracts from the effects that are already affecting the VEC from past, present and future actions outside the proposed action (i.e., cumulative effects).

The descriptive and analytic components of the EFH Omnibus Amendment #2/DSEIS document are constructed in a consistent manner. The Affected Environment section traces the history of each VEC and consequently addresses the impacts of past actions. The Affected Environment section is designed to enhance the readers’ understanding of the historical, current, and near-future conditions (baselines and trends) in order to fully understand the anticipated environmental impacts of the management alternatives and independent measures under consideration in this amendment. The direct/indirect and cumulative impacts of these alternatives and measures are then assessed in Section 7.0 of the DSEIS document using a very similar structure to that found in the Affected Environment.

This public hearing document provides a very general overview of the impact analyses and expected impacts of the EFH and HAPC designation alternatives proposed in the Draft Phase 1 EFH Omnibus Amendment 2/DSEIS. The complete DSEIS document should be referenced for more detailed discussion of the impacts. The Council is seeking public comment on all elements of the impact analyses.

Phase 1 of this Omnibus EFH Amendment does not create any management rules or regulations, so it does not have any direct or indirect impacts on any of the identified VECs. However, this action does designate EFH and HAPCs. **The comparison of EFH designation alternatives relies on the area (number of square miles) included in each alternative and the degree to which each one makes use of the available scientific information. All of the alternatives for EFH would designate less area than the No Action alternative, some of them considerably less. Alternatives 3 and 5 are based on methods that make better use of the available scientific information and potentially are more effective at identifying EFH than alternatives 2 and 4 or the No Action alternative. All of the HAPC alternatives meet the minimum requirement for selection as defined in the EFH Final Rule, some meet more of the**

criteria than others, and they vary considerably in terms of the area, types of habitat, and amount of EFH that would be included. These designations may in the future, through Phase 2 of this action or a subsequent fisheries management action, be used to develop measures to minimize impacts to EFH such as the creation of fully closed areas, areas closed to particular gears or at particular times of year or other regulations. Thus, the potential for impacts is inherent in the designation of EFH and HAPCs. However, until specific habitat management measures have been developed, it is not possible to predict the future impacts of the EFH or HAPC designation alternatives with any certainty. Nonetheless, based on the impacts that have resulted from past measures to minimize the adverse effects of fishing on EFH, some very qualitative trends can be noted. For example, should future EFH-related management measures be taken, in addition to those already implemented, they would likely have positive cumulative impacts to the biological and physical environment, with some short-term negative social and economic impacts. Furthermore, even though the Councils have no authority to regulate non-fishing activities, protection afforded to EFH through future management measures that are designed to reduce fishing impacts could help mitigate the impacts associated with non-fishing activities.

5.0 WHAT ELSE IS IN THE EFH OMNIBUS AMENDMENT #2 DSEIS DOCUMENT?

Your comments are invited on all aspects of the EFH Omnibus Amendment #2 document and the DSEIS. The document is lengthy, and while all components could not be summarized in this public hearing document, please be aware that the following information is also included in EFH Omnibus Amendment #2 and is subject to public comment as well:

- **Background Information About the Biological and Physical Environment:** This section (6.1) identifies and describes the biological physical environment that may be affected by the action proposed in EFH Omnibus Amendment #2 and focuses on the spatial realms used to define essential fish habitat including the terrestrial, inshore, shelf, offshelf and seamount realms. Appendix E provides supplementary information on spawning.
- **Background Information About Protected Resources:** The EFH Omnibus Amendment #2/DSEIS document Section 6.1.2 includes a description of endangered, threatened, and other protected species inhabiting the entire northeast shelf ecosystem and consideration of species of concern.
- **Background Information About Regional Fishery Economics:** The EFH Omnibus Amendment #2/DSEIS document provides a detailed description of the Affected Human Environment (AHE) related to the proposed action. Section 6.2 of the EFH Omnibus Amendment #2/DSEIS document includes all updated economic information about the northeast region, such as:
 - Fisheries Seascape (commercial fisheries, for-hire recreational)
 - Connections to Land
 - Public's Valuation of EFH and HAPCs
- **Background Information About Regional Fishery Social and Community Descriptions:** The EFH Omnibus Amendment #2/DSEIS document provides a detailed description of the Affected Human Environment (AHE) related to the proposed action. Section 6.2 and Appendix F and G of the EFH Omnibus Amendment #2/DSEIS document includes all updated social information about the northeast region, such as:
 - Vessels by Homeport and Owner's Residence
 - Commercial Landed Value and Landed Pounds by FMP by County

- **Impacts on Biological and Physical Environment:** Section 7.0 of the EFH Omnibus Amendment #2/DSEIS document discusses the potential impacts of the proposed management alternatives on the biological and physical environment.
 - **Impacts on Economic Environment:** Section 7.0 of the EFH Omnibus Amendment #2/DSEIS document discusses the potential impacts of the proposed management alternatives on the economic environment.
-

Thank you for providing your comments on the alternatives and measures proposed in the EFH Omnibus Amendment #2. The Council appreciates your input and will consider all public comments when it selects the final measures for EFH Omnibus Amendment #2 at its June 19-21, 2007 meeting in Portland, ME.

The comment period for the EFH Omnibus Amendment #2/DSEIS document ends at 5:00 p.m. EST on May 21, 2007 should you wish to submit additional comments following the public hearings.