

Summary of Action taken on the New England Fishery Management Council's Omnibus Essential Fish Habitat Amendment 2

The Council made final decisions on most sections of the amendment at its April, 2015 meeting in Mystic, CT. The Council completed its remaining tasks concerning final approval of Omnibus Habitat Amendment 2 in June, 2015. As of May 2016, the Environmental Impact Statement is undergoing final revisions for submission to NMFS and publication later this spring. The proposed rule should be available early this summer, with implementation of the action expected in early 2017. This summary was adapted from the April and June 2015 Council reports. Council reports summarize actions and major points of discussion from each full Council meeting.

The amendment contains two major categories of alternatives:

Essential Fish Habitat and Habitat Area of Particular Concern Designations	Spatial Management Areas: Habitat, Research, and Spawning
Essential Fish Habitat and Habitat Area of Particular Concern designations are based on species-specific distributions and life-history information, and are used primarily for analytical approaches in impact analyses and agency consultations. HAPCs are not subject to gear or other restrictions, but are singled out because they encompass important and sensitive habitats that should receive careful consideration for conservation purposes.	Spatial management areas, on the other hand, contain habitats of importance to multiple species, are vulnerable to impacts from fishing, and as such, could be subject to gear restrictions for conservation purposes on the basis of gear type. Three types of spatial management areas are being proposed in the Habitat Amendment, year-round habitat management areas, dedicated habitat research areas, and groundfish seasonal spawning areas.

EFH and HAPCs

During final action, EFH designations were specified for all managed species and life stages, including a small number of specific modifications discussed at the meeting. By definition, fishing restrictions are not associated with these areas. The approved HAPC designations involve six nearshore/continental shelf areas, two seamounts, and eleven submarine canyons or groups of canyons.

Habitat Management Areas (HMAs)

The habitat management areas described below contain habitats of importance to multiple species, are vulnerable to impacts from fishing, and as such, would be subject to gear restrictions for conservation purposes on the basis of gear type. They were discussed and analyzed according to five sub-regions: eastern, central and western Gulf of Maine, Georges Bank, and Great South Channel/Southern New England.

Eastern Gulf of Maine – The area defined as the Small Eastern Maine HMA would include a complete restriction on use of mobile bottom- tending gears.

Central Gulf of Maine – The Council selected the Cashes Ledge, Jeffreys Bank, Fippennies Ledge, and Ammen Rock HMAs. The Cashes and Jeffreys Bank areas were modified from their

previous configurations to focus more closely on shallow, hard bottom habitats. Each would prohibit the use of mobile bottom-tending gears, except for Ammen Rock, which is a subset of the Cashes Ledge HMA where all fishing (except lobster traps, which are not managed by the Council) would be prohibited.

Under the habitat amendment, the Cashes Ledge Groundfish Closure Area would be maintained as is. Specifically, it would continue to be off limits year-round to all fishing activity except for the following: (a) charter and party vessels with a letter of authorization; and (b) vessels fishing with “exempted gears” that catch only small amounts of groundfish: spears, rakes, diving gear, cast nets, tongs, harpoons, weirs, dip nets, stop nets, pound nets, pots and traps, surfclam/quahog dredge gear, pelagic hook and line, pelagic longline, single pelagic gillnets, and shrimp trawls. In accordance with the current groundfish regulations, mid-water trawl gear, and also vessels that are transiting the area with gear that is properly stowed, would be allowed in the Cashes Ledge Closure Area.

Western Gulf of Maine – The scenario adopted took into account the existing habitat and groundfish closures in the Western Gulf of Maine. The habitat closure would be maintained as-is, while the groundfish closure would have its eastern boundary shifted west by five minutes of longitude to match the habitat closure boundary.

Within the habitat/groundfish area, current fishing restrictions would be maintained. The exception is an exemption for shrimp trawls from the mobile bottom-tending gear restrictions in the northwestern corner of the area, located in the deep waters west of Jeffreys Ledge. In addition, the Council would continue to limit trawl roller gear to 12 inches in diameter in the existing inshore roller gear area, which overlaps the habitat and groundfish closures.

Georges Bank – At the June meeting, the Council approved the Georges Shoal Habitat Management Area (shaded brown on map) which would be closed to mobile bottom-tending gears including bottom trawls and dredges, with an exemption for hydraulic clam dredges. The exemption for clam dredges would sunset one year after implementation of the amendment, allowing time to consider a targeted exemption area or areas to be considered.

Two other Habitat Management Areas were approved, both located on the northern edge of Georges Bank along the U.S./Canada boundary. The area farthest to the northeast (shaded red) was defined as a reduced impact Habitat Management Area, along with an adjacent area just to the south that was approved as a mobile bottom-tending gear closure (shaded gold). Hydraulic clam dredges would not be allowed in either area.

Exemptions in the “red area” would include limited fishing access for bottom trawls and scallop dredges. Access for the scallop fishery would be allowed under the current scallop access area regulations, with the specifics of the program to be developed in a future scallop action, and groundfish trawling would be allowed in the relatively small area west of 67° 20' W only.

Because of concerns about impacts to the lobster fishery and resource, any portions of what is currently known as Closed Area II north of 41°30' N would be closed to scallop fishing from

June 15th through October 31st. While not included in the amendment, the groundfish industry has an agreement with the lobster industry to abide by similar restrictions.

Great South Channel/Southern New England – A new HMA was adopted with a complete restriction on the use of mobile bottom-tending gears in the northeast corner, and a restriction on the use of mobile bottom-tending gears with an exemption for hydraulic clam dredges throughout the remainder of the area. Similar to the area on Georges Shoals, the dredge exemption would sunset one year after the implementation of the Habitat Amendment. This window of time would provide an opportunity for a more refined clam dredge exemption area or areas to be developed. The Council is currently working on a framework adjustment to consider these exemption areas.

The Council also took action in southern New England to create a new HMA near Cox Ledge. Trawls in this area would not be allowed to use ground cables and hydraulic clam dredges will be prohibited.

Dedicated Habitat Research Areas (DHRAs)

The Stellwagen DHRA in the Gulf of Maine, developed to facilitate fisheries research, was approved, although a “no fishing” reference area component was not approved. If the research area is not used for scientific investigations within three years, a sunset provision would apply. The DHRA would be closed to mobile bottom-tending gear, demersal longlines, and sink gillnets, while recreational vessels, midwater gear and other pelagic gear would be allowed. All of these fishing restrictions are currently in place as a result of the existing Western Gulf of Maine habitat and groundfish closures, which overlap the proposed DHRA.

The same three-year sunset provision that is in the Stellwagen DHRA would apply to an approved Georges Bank DHRA. Again, the area would be closed to mobile bottom-tending gear types. This area is currently closed to these gears as a habitat closure (Closed Area I South).

The Council further recommended that NOAA Fisheries allow habitat studies to be conducted within the HMAs using commercial fishing vessels as research platforms, but contingent on the approval of an exempted fishing permit. The intent is to evaluate the effectiveness of the closed areas.

Spawning Protection Measures

Gulf of Maine – Council members voted to piggyback onto the Gulf of Maine Cod Protection Areas implemented via Framework 53 to the Groundfish Plan, but with modifications. In response to an identified need for increased protections for spawning fish during April, the Council added 30-minute block 125 to these closures for spawning protection from April 15th through April 30th.

The other Framework 53 provisions remain in place. To recap, the closures currently apply to all federally-permitted commercial vessels, except for those fishing with exempted gear or that participate in an exempted fishery. As adopted in Amendment 16 to the FMP, sector vessels are exempt from the closures in March and October. The March and October closures also do not apply to Handgear A vessels, regardless of whether the vessel fishes in the common pool or in a

sector. The recreational fishery measures in Framework 53 also remain unchanged --- no possession of Gulf of Maine cod is allowed in the closure areas.

In furthering efforts to protect spawning groundfish in the Gulf of Maine region, the Council retained the existing Whaleback Spawning Cod Protection Area and applied its restrictions to a new Mass Bay Area (shaded purple on the map). All groundfish gear, including recreational fishing gear, would be prohibited.

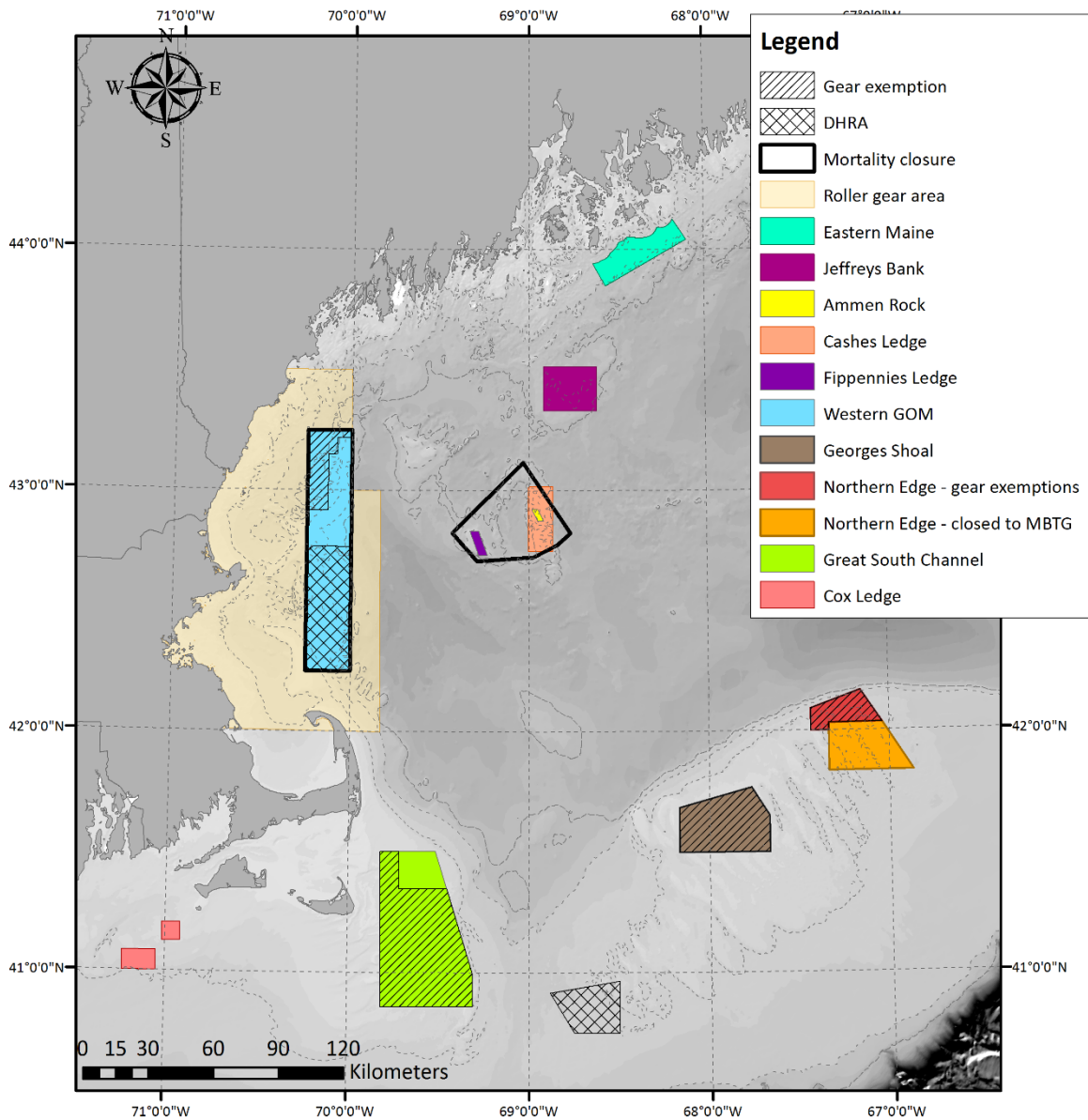
Georges Bank – The northern portion of Closed Area I and the entirety of Closed Area II were retained as seasonal spawning closures. Restrictions for both would apply from February 1st through April 15th to protect spawning groundfish and would affect the use of various commercial and recreational fishing gears that catch groundfish. Scallop dredges would be exempt from the closures.

For more information about Omnibus EFH Amendment 2, visit the habitat section of www.nefmc.org, or contact: Michelle Bachman, mbachman@nefmc.org, (978) 465-0492 x 120.

Omnibus Essential Fish Habitat Amendment 2: Final Alternatives as of June 2015

New England Fishery Management Council meeting. Seasonal areas are not shown.

- Gear exemption areas hatched. In western Gulf of Maine, shrimp trawls exempt. In Great South Channel and Georges Shoal, clam dredges exempt for one year. On Northern Edge (red area), scallop access fishing exempt, bottom trawling for groundfish exempt west of 67° 20' W.
- Dedicated Habitat Research Areas are cross-hatched. Stellwagen DHRA (north), Georges Bank DHRA (south)
- Mortality closures shown with heavy black outline. Current gear restrictions.
- Largest shaded area is the roller gear restricted area.
- Other shaded/colored areas are mobile bottom-tending gear closures, with gear exemptions as noted above.
- Cox Ledge closed to clam dredges, and trawls cannot use ground cables.
- Ammen Rock closed to all gears except lobster traps.



Omnibus Essential Fish Habitat Amendment 2: Final Alternatives as of June 2015

New England Fishery Management Council meeting. Seasonal spawning areas only.

GOM COD PROTECTION CLOSURES

Closed to commercial gears with various exemptions

Nov-Jan: 125 and 124 (southwest corner of 124 only)

Feb: None

Mar: 121, 122, and 123 (all areas common pool only)

April: None**

May: 125 (northern part only), 132, 133, 138, 139, 140

June: 125 (northern part only), 132, 139, 140, 146, 147

July-September: None

October: 124 and 125 (both areas common pool only)

SPAWNING AREAS

-- Whaleback and Massachusetts Bay Cod Spawning Protection Areas have the same gear restrictions, i.e. closed to commercial and recreational gears with various exemptions

-- Georges Bank areas closed to various commercial and recreational gears capable of catching groundfish, with various exemptions, including scallop dredges

** Block 125 in April is not part of Cod Protection Closures, but was added by Council in June as a spawning area from April 15 - April 30

