

**EFH COMMITTEE MINUTES**  
Fisheries Industry Technology Center  
Kodiak, AK September 16-18, 2002

Committee Members present: Linda Behnken (chair), Stosh Anderson (vice-chair), Gordon Blue, Heather McCarty, Scott Smiley, Ben Enticknap, Glenn Reed, John Gauvin, Michelle Ridgway, Jon Kurland (NMFS-HCD), Doug Woodby for (Earl Krygier ADF&G).

Agency Staff present: Cathy Coon (NPFMC), David Witherell (NPFMC), Matt Eagleton (NMFS-HCD), Cindy Hartmann (NMFS-HCD), Tom Meyer (NOAA-GC), Craig Rose (NMFS-AFSC), Kristin Mabry, Denby Lloyd, David Barnard, Dave Jackson. (ADF&G).

Public: Pat Carlson, Dave Fraser, Paul MacGregor, Mat Moier, Jay Stinson, Mike Martin, Julie Bonney, Rob Langdon, John Gruver, Geoff Schester, Martin Robards, Sandra Moller, Ed Richardson, Dave Wood, Harold Jones, Pat Carlson, Doug Hoedel, Greg Hathaway, Rob Langdon, Beth Stewart, Pam James, Eric Stirrup, Jeff Stephan.

The EFH Committee met on September 16-18th in Kodiak. The intent of the meeting was to complete final recommendations for the October Council meeting on alternatives for analysis in the EFH EIS: EFH designation, HAPC designation, and alternatives to minimize adverse effects of fishing. Staff provided reports on preliminary analysis on HAPC & EFH designation, the fishery impact analysis, and the strawman document for mitigation alternatives. A draft agenda was distributed prior to the meeting.

Committee Minutes: The Committee requests staff to provide a fuller set of meeting minutes that would include information leading up to motions and detailed information in regards to public testimony.

1. May 15-17th Sitka minutes. The Committee would like to update the May Committee minutes to bring forward the habitat protection concepts presented by NMFS Auke Bay Lab as Committee information. The Committee wants it clear that the May Committee Minutes should accurately reflect the agency's ideas ( list of titles of ABL 'proposals') presented at the May meeting on the HAPC issue. *Motion carries 10-0.*
2. August 27<sup>th</sup> teleconference minutes. The Committee recommends changes in the minutes to reflect clarification on question structure, development of the mitigation strawman alternatives, and inserting public comment. *Motion carries 11-0.*

Stosh Anderson addressed the group on the procedure for public comment, the intent to have a comment period after the staff reports, and prior to Committee deliberation on each sub component of the alternatives.

**NMFS Discussion of Alternatives vs. Alternative approaches for the EIS analysis:**

Jon Kurland advised the Committee on the current structure for the EIS (based on the Hogarth memo of 1/01), including three actions: designation of EFH, designation of HAPC, and measures to reduce adverse impacts from fishing to habitat to the extent practicable. There has been discussion within the agency on how best to bundle the alternatives for the analysis. The discussion has focused on complying with NEPA and ensuring the structure of the analysis is rigorous and comprehensible for the Council and public. One option that was discussed is to analyze every possible combination of alternatives for the three actions, but this methodology could become cumbersome, because with 6 sets of EFH designation alternatives, 5 HAPC, and 6 or more

mitigation alternatives the number of combinations would be large. The agency wanted this methodology examined before proceeding with that type of analysis.

Glenn Reed commented that the discussion on mitigation measures to reduce potential adverse impacts from fishing on habitat must make a connection to impacts on productivity of FMP species.

Tom Meyer advised the EFH Committee that GC met on a national level to discuss this issue. A memorandum from GC addressing this issue is forthcoming. Until the memorandum is final, GC advises that if NMFS/the Council can, as a matter of policy, conclude that the three actions are not so interconnected that they must be analyzed as a whole, but can instead be meaningfully analyzed separately, and NMFS/the Council substantiates this conclusion on the record (in both the EIS and the administrative record). Then separate analyses of each action can be included in the same EIS given the following conditions: (1) The analyses are done sequentially, e.g., the recommended EFH designation preferred alternative is chosen prior to the recommended mitigation and HAPC alternatives. This sequential analysis is necessary given that both the mitigation and HAPC alternatives rely on first establishing EFH and the effects of these alternatives must be based on their application to the preferred EFH alternative; and (2) NOAA GC makes a final determination that the inclusion of the three actions and the use of separate, sequential analyses in the same NEPA document meet NEPA requirements. GC further advises that until the GC memorandum is final, and a policy decision is made by NMFS/the Council as to the “interconnectiveness” of the actions, the EFH Committee may proceed with its review of the alternatives for the three separate actions and may recommend to the Council a separate, preferred alternative for each component with the understanding that the alternatives can only remain segregated if the two conditions above are met and justification is provided in the record.

The Committee asked for some clarifications from the agency on this issue. Kurland advised the Committee that adverse effects would only need to be addressed for the FMP managed species, and that a sequential analysis appeared to be a logical approach for the alternatives currently under consideration. He also advised that doing a sequential analysis would not be a wasted effort if GC ultimately recommends analyzing some possible combinations of alternatives across the three actions, because the sequential analysis will help illustrate the different effects of the alternatives. Committee members asked whether the decisions for HAPC designation alternatives would need to come before the mitigation alternatives since some of the HAPC alternatives may have management measures to reduce adverse impacts from fishing. Kurland noted that the requirement to minimize adverse effects from fishing applies to all of EFH and that HAPC is not a mitigation tool in itself. However, it would be logical to designate HAPCs before deciding on mitigation alternatives since HAPCs may be designed to encompass areas that are susceptible to damage from fishing ( or non-fishing activities

**EFH and HAPC designation Alternatives:** During the June Council meeting, the Council accepted the EFH Committee’s recommended changes to the EFH and HAPC designation alternatives as outlined in the May 15-17 EFH Committee meeting draft minutes. Staff began looking at methodologies for each EFH designation alternative and provided an update to the Committee. The analysis for the HAPC designation alternatives were directed by the June Council motion as outlined below.

EFH designation alternatives: Matt Eagleton gave the Committee a report on the EFH designation alternative and the methodology staff is finalizing for the analysis this fall.

The Committee recommends the EFH designation alternatives be forwarded to Council as final recommendation in the analysis with the following clarifications. Additional details are provided in summary document C-5(c) from the October 2002 Council meeting.

- Alternative 1: No Action - No EFH Designation
- Alternative 2: Status quo-General Distribution – EFH EA is not updated
- Alternative 3: Updated General Distribution
- Alternative 4: Highest Known Information
- Alternative 5: Eco-region Strategy
- Alternative 6: EFH Designation would only apply to Federal Waters

The Committee recommends that the analysis clarify methodologies for percentages for alternatives 3 & 5. Additionally, the analysis should clarify alternative 5 (ecoregions approach) to be consistent with species groupings and geology that may be different within each region. The depth strata should reflect the predominant species within each area. Additionally, for alternative 5, the Committee notes that there are limitations to using depth as the criteria and recommends that other physical and biological inputs be incorporated when data is available (ie use temperature data when available UAFs CTD data). *Motion carries 10-0.*

HAPC designation alternatives: Cathy Coon gave the Committee a report on the HAPC designation alternatives as presented to the Council during the June meeting. Council directed staff (within the SEIS analysis) to describe how each HAPC designation alternative would apply to each of the following four examples HAPC: pinnacles and seamounts, gorgonian corals, Bristol Bay Red King Crab habitat (or similar species habitat), and shelf break. The EFH Committee should develop examples mitigation measures for each case to help with understanding what the alternatives might do.

The Committee discussed whether using specific examples in the analysis without potential management measures identified in the EIS would cause difficulty, because the EIS is an action forcing document. Jon Kurland noted that HAPC designations do not have to have accompanying management measures. For example, HAPCs could be identified to recognize non-fishing threats to portions of EFH. However, any management measures evaluated in the EIS need to be specific implementable actions that could be codified in regulation. **The Committee wanted it noted to the Council that if staff follows the June direction of the Council and analyzes example management measures that these could be moved forward and implemented at final action.** The Committee discussed the source of the June Council motion for HAPC in terms of separating what could be in the EIS analysis for HAPC, and the HAPC public process that will be developed later this winter.

The Committee recommends the following HAPC designation alternatives be forwarded to Council as final recommendations for the analysis.

Alternative 1: No Action. Under this alternative there would be no designation of HAPC in the region.

Alternative 2: Status quo. HAPC would remain as defined and adopted under amendments 55/55/8/5/5: living substrates in shallow waters, living substrates in deep waters, and freshwater areas used by anadromous fish.

Alternative 3: Site- based concept. Individual sites meeting one or more of the considerations and selected to address an identified problem may be designated HAPC sites. It does not allow for designation of types of habitat but constrains HAPC designation to explicitly geographically defined sites or locations, such as a particular seamount.

Alternative 4: Type/site based concept. This alternative establishes HAPCs as individual sites selected as subsets of HAPC types. This is done as a two step process:

Step A) Types are selected based on the regulatory considerations.

Step B) All known sites or a subset of all known sites of those known types are selected as HAPCs

Alternative 5. Species core area. This alternative establishes HAPC areas will be defined for species based on the productivity of the habitat. It is based on the assumption that the data available on the distribution and abundance of an FMP species (and other species important to FMP species) is one of the factors that provides an indication of areas in which to examine the link between habitat and productivity. The Committee notes that HAPC core areas will only be designated as reliable information on the link between habitat and productivity becomes available. As more information on the interaction between habitat and FMP species/ecosystem productivity becomes available, HAPC could be refined to a core habitat that could be a type or a site that may be a bottleneck or key habitat. When low levels of information are available, this concept examines species distribution and abundance, compares the information with the four considerations and if one or more applies, HAPC may apply. As more information becomes available HAPC could be refined to a core habitat that could be a site designated to achieve specific management objectives.

Effects of Fishing on Fish Habitat off the waters of Alaska: Craig Rose, NMFS AFSC, summarized the draft analysis on the effects of groundfish fishing on benthic habitat. Dr. Rose described the habitat classes used in the analysis. The Bering Sea habitat types were based on sediment data, (sand, sand/mud and mudtypes) and those for the Aleutian Islands and Gulf of Alaska were based on depth strata with further division into non-geographic proportions of soft (mud-gravel) and hard (pebble rock) substrates. The habitat features were composed of four general classes: Infaunal prey, epifaunal prey, substrate shelter, biogenic shelter.

The Committee discussed the analysis at length, both in regards to the input to the model as well as determining mitigation alternatives.

The Committee was concerned about the difficulty of incorporating habitat features and habitat function in the model. Dr. Rose stated that much of the information is not yet available to incorporate this in the short term. For the model, he utilized reduction of features as a proxy for function. The analysis is meant to be an indicator of which fishery has more effects on habitat than others. However the model is unable to determine if the effect of fishing are significant to managed species.

The Committee asked Dr. Rose about how this draft document will be reviewed, and who he might include if it is reviewed externally. Dr. Rose mentioned his internal review would include staff with modeling expertise and could include Jeff Fujioka at Auke Bay Lab and Bernard Megrey at the Alaska Fisheries Science Center. An external review after a subsequent draft would have to include people of the same level of expertise outside of NMFS, including the SSC.

The Committee asked how the model captures globalized or localized problems. For example, the Bering Sea pollock fishery has a large foot print compared to other fisheries, and consequently, the fishery generates a relatively high effects value in the analysis, whereas a fishery with a smaller footprint appears to have no effects. Craig noted that his analysis is most useful at examining effects on a large scale, and was less useful for assessing localized effects.

John Gauvin raised concern on the methodology to incorporate the overlap of fishing effort. He looked at the vessel monitoring system (VMS) data for the Atka mackerel fishery, and when he had an outside GIS expert estimate the amount of hauls over a year including overlaps the results reduced the foot print, by 250%. Gauvin asked how the results for mackerel fishery would be different if you considered more direct

observations of overlap? Craig said that the overlap adjustment in the current analysis reflects less overlap than that found in the Atka mackerel VMS data. He plans further work with that and other VMS data to find better ways to accommodate overlap in the model.

Ben Enticknap raised concerns about bottom trawl effects. The model describes total area swept as trawl door to trawl door. Ben stated that the effects are greater than door to door, because according to the NRC report there are edge effects and sediment suspension. There needs to have consideration for the habitat outside the path of the trawl.

A committee member questioned how the model estimates fishery effect on different types of habitat without habitat distribution information. Dave Witherell noted that due to a paucity of habitat distribution data for the AI and GOA, the model assumes that each block contains both hard and soft bottom substrates. This assumption greatly affects model results. For example, in AI, the model assumes 80% of each block is hard bottom so that the trawl fisheries occur 80% of the time on hard substrate. Yet fisheries may be more likely to be prosecuted over soft substrates. Therefore, the model may overstate the effects of fisheries in the AI and GOA.

Public Comment: Comments were received by Ed Richardson, Paul MacGregor, Martin Robards, and Geoff Schester, and are summarized as follows:

Ed Richardson- Notes that the draft impact model is a good start, but is this the best available science to determine adverse impacts of fisheries? Are we too ahead of ourselves since this hasn't been reviewed?

Paul MacGregor- Notes that a point of equilibrium is noted in the model. At what point do we get there?

Martin Robards- - Notes that the analysis deals with uncertainty well in the text, and the values are good, but wants to know if there is a way to put confidence intervals in there? Craig- without having the exactness in the model now it will be difficult.

Geoff Schester- raised concerns about coral species, which don't fit into this model anywhere. He was wondering if the model could be adjusted to account for long lived coral species. He thinks its important to use this model to look at fishery impacts, but an important habitat is left out. He would like to put coral into the model or have considerations for coral protection for reasons outside the impact model. He requested confidence intervals be place on numbers, and to clarify which parameters are uncertain in the document.

**Alternatives to minimize the effects of fishing on EFH:** Council tasked staff in June to formulate a 'strawman' set of mitigation alternatives prior to the September EFH Committee meeting. The Committee was to use the 'strawman' as a starting point for developing mitigation alternatives for the October Council meeting.

A NMFS/Council/GC/ADF&G TEAM EFH met on September 4, 2002, to discuss the draft strawman Alternatives to minimize the effects of fishing on EFH and agreed on some additional considerations for the EFH Steering Committee. The team noted that the results from Craig's 8/11/02 paper are preliminary without the benefit of a scientific peer review. It was suggested that model results be looked at relatively rather than as a strict percentage because impacts may be serious even though they may be a small percentage of habitat impacted. The model points to things that may need mitigation, but it doesn't necessarily imply that other things don't need mitigation. Factors like habitat function, species sensitivity, and timing of impact can be important and were not considered in the model because of lack of information. The team thought that possible components of mitigation alternatives could also include gear configuration limitations, gear modifications, and

performance reviews. Additionally a bycatch limit on coral could be examined to limit the effects of fishing on vulnerable habitat. Mitigation alternatives should all have a research/monitoring component to see if management is having a positive effect. The team recommended that the Committee add research closure/open areas in all alternatives of at least 3 - 5 percent. These open/closed areas will be depicted on a map for Council consideration after the areas are defined by the EFH Committee.

Dave Witherell summarized the report on the draft strawman mitigation alternatives for the Committee. The results of the draft impact analysis are preliminary but the Team EFH believes it's the best science available. The Committee deliberated and agreed to use the draft strawman alternatives as a starting point for mitigation alternatives.

The Committee discussed the need for having research component within each mitigation alternative and agreed on the recommendations from agencies Team EFH workgroup. **The Committee agreed to have the research component addressed in a preamble to all the mitigation alternatives and agreed upon it without a motion.**

The Committee discussed whether or not the strawman represented a reasonable range of alternatives under NEPA. Jon Kurland NMFS reported that a wide range would encompass something from extremely precautionary back to no action. He's unsure if the current strawman alternatives 5 and 6 are extremely precautionary but wants to hear from the Committee.

There were questions in regard to the development of the different mitigation alternatives based on the adverse effects identified. Dave Witherell responded that the strawman alternatives were packaged to address the biggest impacts of the model first. He notes that there is no 'bar' to determine what is minimal and more than temporary. He understands that you want to have action in each region, but the rule specifies that we must consider action for fishing activities that have more than minimal and not temporary effects on EFH. Ben Enticknap expressed concern that the 'bar' is different for each region and habitat fished.

The Committee had several more questions as to the structure of the strawman before they begin to deliberate over these alternatives to append, amend or move forward. Ben Enticknap asked if you indeed were addressing fisheries with the largest impact first why did the Bering Sea Pollock fishery that has the largest footprint fall out of the alternatives. Witherell noted that he did address these fisheries within alternatives 5 & 6 but they did not fall under the open area approach for management because the fishery was widely dispersed so the open area concept would not be useful in this case.

Heather McCarty asked why rationalization wasn't included in any of the alternatives, as it was a mitigation tool discussed at length by the Committee. Witherell noted there are several reasons to implement a rationalization programs for our fisheries, and these programs may have positive effects on habitat but it the primary goal of rationalization isn't to reduce the effects from fishing gear on habitat. Essentially, a rationalization program did not seem to be a reasonable alternative to address the purpose and need for action. He thinks the EIS should have a full discussion on this concept, and capture the pros and cons of rationalization effects on habitat under the cumulative assessment.

Scott Smiley asked about a trigger mechanisms to be used for each of the mitigation alternatives to use tools to prevent adverse impacts stepwise based on a set of initial criteria. This concept would allow tools to change either direction to get more or less strict on habitat protection if needed. Witherell said it could be difficult to capture this in each alternative and then analyzed in comparison to each other in an EIS, but the Council could adjust measures in the future based on additional information.

Glenn Reed pointed out that the numbers in the draft impact analysis are in relationship to each other, within this North Pacific region. How about a comparison with other areas of the country? In Alaska there's not a problem with the status of the stocks for these fish for which we are trying to protect their habitat. Witherell noted that it's all on a relative scale, and that the Committee is in a difficult position to make these calls without knowing what is minimal and temporary. For example, if slope rockfish are 100% dependant on the bioshelter of the slope habitat, and by fishing we have a 9% reduction in that habitat, then we could model the fishing mortality that would be required to mitigate the effects on habitat.

Gordon Blue stated concern with respect to the closure areas under Alternative 6, because there seems to be a disconnect in the use of marine reserves as a mitigation tool. We have not addressed side effects the example maps provided from the DPSEIS. For example it appears that a 20% marine reserve in the Bering Sea area would affect most of the Red King Crab, hair crab, and the opilio crab fisheries. We need to consider these closures on a fishery by fishery basis.

Linda Behnken asked staff why no take marine reserve areas would also include total allowable catch (TAC) reductions. Witherell replied that the TAC reduction was suggested by Team EFH because there may be unanticipated effects on habitat inside the open areas as a result of increased effort.

Linda Behnken asked staff if we can incorporate corals or other habitats into the model. She was also interested in measures not based directly on model results. She also expressed a desire to create a new alternative using some of the components of other alternatives, and would address each region separately. Linda was also concerned about how the GOA rockfish longline fishery was defined.

John Gauvin asked questions in reference to strawman Alternative 3 open area concept for flatfish. His understanding from research on soft bottom trawl fishing is that it is the intensity of the fishing that imposes effects on benthic communities. Is there a way to look at TAC or catch reduction levels as an alternative to an open areas concept. Witherell noted that Alternative 3 was designed to have open areas around the places where the fishing already occurs. This protects other emergent epifauna in areas that aren't fished regularly, and would eliminate impacts to the outside areas. John asked if those are short-lived species is there no way to craft a metric of these things? Witherell responded that if you look at the history of the flatfish fishery in the BS for the last 40 years, the amount of fish removed is quite variable. The open area allows for increased effort, but the effects would only happen in a small area.

Scott Smiley stated the open area concept doesn't adjust for environmental change and the movement of fish. If the fish aren't in the open areas what are you going to do? Scott suggests it would be worthwhile to build more flexibility in the alternative with the triggering concept.

**Public Testimony** was given by Geoff Schester, Martin Robard, Paul MacGregor, Dave Fraser, Pat Carlson, Mike Martin, Ed Richardson, Julie Bonney, Jay Stinson, Matt Moier and is summarized as follows:

1. Geoff Schester (Oceana) Oceana recommends research be done on coral/sponges in AI, including habitat mapping, researching on habitat functioning, research on on pelagic trawling, pot, longline, and bottom trawl impacts. Further Oceana recommends full observer coverage (100%) with all hauls observed. Bycatch should be identified to lowest taxonomic level possible. He recommended that a habitat assessment report be prepared annually. He raises concern about AI coral bycatch. He state that northern and rougheye rockfish have been over harvested in the Aleutians in the last 5 years. There has been major coral reef discovery there. Oceana recommends that in alternative 4 or elsewhere in the EIS to add State and federal waters closed to all bottom trawling for all fisheries in Aleutian Islands with the caveat fishing vessels under 60' be allowed and consideration of local communities and tow-specific open areas. Coral and sponge reefs are dense

and dense concentrations of coral/sponges would be closed to all bottom tending gear. Other things that should be considered are coral and sponge bycatch caps to deal with HAPC.

2. Martin Robards (Ocean Conservancy) Martin states that he likes the ecoregion (alternative 5) approach for EFH designation and commends staff for their work since the May Sitka meeting. In terms of HAPC, he recommends appointing a subcommittee to address specific recommendations about these. He requests the coral protection analysis incorporate other criteria instead of CPUE which could include abundance, biodiversity, sensitivity, and resilience. He believes it important for the Councils work to follow State of Alaska's MPA efforts. This includes setting the objectives of a MPA beforehand for economic and social issues. He has a manuscript he's giving to the Council he will forward onto the Committee this next week. He believes the strawman represents a wide range of alternatives for the analysis.

3. Paul MacGregor (At Sea Processors) Paul expressed some frustration in the task of the Committee trying to mitigate since there is no definition for what is more than minimal and less than temporary. He doesn't see proof that any of the managed species are exhibiting any signs of habitat stress. These essential decision points need to be clarified before you decide the mitigation measures.

4. Dave Fraser (Adak Fisheries). The Aleutian Islands are an assembly of microhabitats. He has fished there a long time. One favorite tow he makes for cod is only 2-3 boat widths between the shallow rocky habitat and very deep waters. In this region you need to look at data on the appropriate scale to do appropriate mitigation. Mitigation should factor in to the 80/20% hard and soft bottom concepts. He feels it essential to put more effort on habitat mapping in the AI. The coral bycatch data information that NMFS provided Oceana has not been destroyed and is being misrepresented. He feels the strawman contains appropriate measures in the Aleutians.

5. Pat Carlson ( Kodiak Island Borough) He wants to point out his observations as this fishing communities municipal manager. Pat is concerned about economics and how these decisions effect small communities. He feels that if there are further management areas needed, than there should be triggering mechanism. The city of Kodiak has suffered greatly from the measures implemented for Steller sea lions. The work force in Kodiak had approximately 1,600 processors but after the seal lion measures 400 of these jobs evaporated. Kodiak has lost 4 fishing plants and the others are down to 5 months of processing time. He urges the Committee to go slow and look at the effects economically on the proposed closures. The Kodiak community revolves around some of the trawl fisheries being considered for mitigation alternatives.

6. Ed Richardson (Pollock Conservation Cooperative) Ed recommends the Committee drop alternative 6. He agrees with Gordon Blues's synopsis of the DPSEIS maps and how this effects a wider set of issues and fisheries besides those addressed in the impact analysis. Alternative 6 goes well beyond the MSA requirements. There needs to be a lot more science to be able to link impacts to habitat.

7. Mike Martin (Kodiak) His company employs about 140 people in Kodiak. The sea lion issue alone has serious devastated this town, now the environmental community is asking for more, and there is not a lot more to give. He urges the Committee not to randomly draw boxes to close fisheries for litigation purposes under the guise of maintaining and conserving habitat. To start drawing boxes is a great mistake. He is also concerned about the resources, as it is their livelihood. He recommends removing mitigation alternatives 2-6 and use the analysis to review the current management measures and how they benefit habitat.

8. Julie Bonney (Alaska Groundfish Data Bank) Julie is concerned that the GOA rockfish trawl fishery is in the tip of the list for mitigation measures. Over 50% of the rockfish trawl effort is from the shorebased sector off Kodiak. Acting too quickly in the name of habitat protection can be detrimental to the local economy. She feels that in all the alternatives there should be bottom trawl gear conversion allowed to pelagic gear or fixed gear. She feels that rationalization is a great tool for industry to work with the agency on achieving lot of goals some of which could be habitat based.

9. Jay Stinson (vessel owner in Kodiak/Pelagic Resources Inc.) If you are formulating a broad range of alternatives for mitigation for NEPA compliance he feels that Alternative 1 as it stands is not an end bracket. He suggests the no action alternative to analyze an entirely open ocean before any of the management measures came into place. He also feels that climatic regimes need to be considered in the look at habitat effects. At one time the foreign fishery took 300,000 tons of rockfish, and removed the coral to make that fishery effective. That climatic regime is not there anymore it's gone. Is our intent to put into place a mitigation measure that will take 1000 of years to form as in an old growth forest. It is essential to establish the goal of having a sustainable fishery and have it based on possible habitat conservation measures. He feels EFH was not intended to be a land grab for habitat conservation organizations.

10. Matt Moier (plant manager) As a plant manager for one of the surviving plants he feels we need additional time to look at additional research on impacts before because the decisions have such a huge impact on coastal communities.

#### Formulating the recommended Mitigation Alternatives:

Stosh Anderson reiterated the task that the Committee has at hand is to bring forward recommended mitigation alternatives to the Council. He decided to split the Committee into two subgroups to deal with the strawman alternative concepts. The first group worked with Alternatives 2-4 and was composed of Stosh Anderson, Heather McCarty, Ben Enticknap, and John Gauvin, with David Witherell and Cindy Hartmann as staff. The second workgroup worked with Alternatives 5-6 and was composed of Linda Behnken, Scott Smiley, Michelle Ridgway, and Glenn Reed, and was staffed by Cathy Coon and Jon Kurland.

After the subcommittee reconvened, modified alternatives for 5-6 are addressed below in motions. It was decided that the workgroup for alternatives 3 and 4 would meet in Seattle Sunday September 29<sup>th</sup> to establish boundaries for the open area approach for the bottom trawl fisheries on flatfish for alternative 3 and alternative 4.

#### Committee discussion of Mitigation Alternatives:

Ben Enticknap recommended a procedure to provide a framework to the Council to pick different management measures for different areas. He would like to see the mitigation alternatives be grouped by region GOA, AI, and BS. Jon Kurland advised the he could envision coming up with a list of potential management measures for each area and from that list craft the alternatives. Other members of the Committee disagreed with that concept because we have a template to see which fisheries have the largest impact on habitat. The alternatives should be crafted from the results from the draft Impact Analysis. Starting from a general list management measures, and mixing and matching within a region, would move us backwards. Linda Behnken suggested that if Committee members have suggestions for additional mitigation alternatives to place them on the table.

John Gauvin would like to see an alternative that would address stock status and whether there is an adverse effect on habitat be based on current stock strengths. Linda Behnken reminded the Committee that the direction of the final rule says to mitigate habitat impacts not address stock declines. Scott Smiley stated that you need to have some connection with the status of the stocks to move forward with mitigation impacts on habitat.

John Gauvin suggests that in lieu of creating a new alternative for the Aleutian Islands region for coral protection, that the Committee suggest to Council using the HAPC process for this type of vulnerable habitat and to use the results of Craig's model for the mitigation alternatives. Ben Enticknap disagrees and thinks there should be a separate alternative for the Aleutian Islands with designated open areas for bottom trawl fisheries.

Heather McCarty requested clarification from the agency on whether HAPC and its associated management measures are mitigation measures. Jon Kurland clarified that HAPCs could have management measures that would be implementable after the EIS is completed.

**Public Testimony** was given by Geoff Schester, Paul MacGregor, Dave Fraser, Pat Carlson, Mike Martin, and is summarized as follows:

1. Geoff Schester (Oceana) In developing the mitigation alternatives, Geoff recommends that the Committee focus on alternatives that protect EFH rather than areas that are not fished. He strongly urges the Committee to protect coral and sponge habitat specifically in the AI. He recommends bycatch caps on HAPC's and using a site based approach for HAPC's that would include additional measures for coral where there are the highest concentrations of corals and sponges.
2. Paul MacGregor (At Sea Processors) Paul urges the Committee to identify what is more than minimal before determining mitigation measures. Additionally, he thinks the Committee need to identify adverse effects on managed species before it is possible to determine what mitigation measures are more practicable.
3. Mike Martin (Kodiak) Mike urges the Committee to consider the communities they are affecting and not just react to lawsuits.
4. Pat Carlson ( Kodiak Island Borough) Pat has great concerns for the communities in the Gulf of Alaska area based on looking at the bottom trawl closures recommended in the mitigation alternatives combined with the existing regulatory areas closed for fishing. He recommends looking at the already existing management areas in relationship to the amount of protection already in place to the whole region. He thinks technology has changed a lot in the trawl industry to allow them to avoid impacts. He referred to the McDowell report for the effects the sea lion measures had on the community and stated that the community of Kodiak cannot lose any more of their workforce on top of the decline from the sea lion actions.
5. Dave Fraser (Adak Fisheries) Dave attended a meeting with the state of Alaska to discuss coral protection in the AI. He requests that the Council interweave their actions with that of the state's board of fisheries actions on this issue. He would like to see more information on populations estimates of corals and sponges and more research on their life history.

**MOTION:** Ben Enticknap motioned to add a new Alternative 4.5. Prohibit the use of bottom trawl gear for all fisheries in the GOA, Bering Sea, and Aleutian Islands except within designated open areas. *Motion failed*  
5-5

Ben expanded with the following: Within the design of protecting essential fish habitat for coral, sponge, and the FMP species associated with those habitats, prohibit the use of bottom trawls in the AI region, except within designated open areas. In determining 'open areas' convene a working group of habitat experts, industry from the region and conservation organizations\*. A comprehensive research program will accompany this alternative, including detailed mapping of habitat area, research on ecological function of coral and sponge habitat and FMP species, and research on fishing impacts in these habitats.

- Reasoning: With Council direction, this working group will meet in conjunction with the EFH Committee, after the October 2002 Council meeting and prior to the December 2002 Council meeting. In addition to committee members, the working group should include agency habitat scientists, council staff, bottom trawlers familiar with the AI area, representatives of conservation community. Council or NMFS staff should produce a GIS overlay showing recent trawl effort (1998-2001) and known coral and sponge locations based on bycatch data, surveys and submersible dives.

- \* This alternative can be a placeholder until the working group and Committee determine appropriate ‘open areas’.

Ben Enticknap says there are a number of reasons why this should be included in this analysis. The draft impact analysis doesn’t adequately look at coral and sponges in the AI. Other Committee members expressed concern for having a separate motion for the Aleutian Islands. None of the fisheries in the Aleutians are classified as adverse in the draft impact analysis. Additionally this alternative should apply to all gear types not only bottom trawl gear. It was noted that perhaps the best place for coral and sponge protection (and habitats not addressed in the draft impact analysis) would be under the HAPC process.

**MOTION:** John Gauvin moved to amend Ben’s motion (Alternative 4.5) to include longline and pot gear in the AI. *Motion failed 5-5.*

**MOTION:** Heather McCarty moves to add a new alternative to include rationalization for the Gulf of Alaska fisheries to be a tool to mitigate fishing impacts. *Motion fails 7-3.*

**MOTION:** Linda Behken moves to add a new alternative as follows:

Prohibit all directed fishing with bottom trawl gear for GOA slope rockfish, and modify provisions of the license limitation program to allow gear conversion. Under a gear conversion provision, vessels with license designations for trawl gear in these areas would get endorsements to fish for these stocks with pelagic trawl or fixed gear. Prohibit the use of bottom trawl gear for flatfish fisheries in the in the Bering Sea, except within designated open areas (develop designated open areas through Subcommittee work planned for Sunday, September 29). In the Aleutian Islands, prohibit all trawling within designated sites (based on concentrations of large emergent epifauna and in areas that have been only minimally effected by fishing), and reduce TACs based on the relative amount that historically (1998-2001) came out of the sites, if appropriate. *Motion carries 10-0.* An amendment to this motion was made by Scott Smiley specific to the Aleutian Islands component to replace bottom trawl gear with all bottom tending gear, for the subcommittee group replacement to alternative 5. *Motion carries 10-0*

**MOTION:** The Committee moves strawman alternative 1 as Mitigation Alternative 1. No Action/ Status Quo. No new management measures in addition to those already in place would be implemented at this time to minimize the effects of fishing on EFH. *Motion carries 10-0.*

**MOTION:** The Committee moves strawman alternative 2 as Mitigation Alternative 2. With the following language changes for gear conversion. Suggest under a gear conversion provision vessels licensed to trawl could convert to pelagic trawl or fixed gear. *Motion carries 10-0.*

**MOTION:** The Committee moves to remove strawman alternative 6 from analysis in the EFH EIS. *Motion fails 7-3.*

**MOTION:** The Committee moves strawman alternative 6 forward as Mitigation Alternative 6 requesting staff to clarify in the EIS how the maps were drawn in the DPSEIS. Additionally it moves forward the subcommittee reconfigured alternative 5, including a research component, and closures distributed through the spatial extent of the habitat based on biogenic shelter and substrate shelter habitat features. This would be in addition to the strawman mitigation Alternative 5. *Motion carries 10-0.*

**MOTION:** The Committee moves forward the concepts of strawman alternatives 3 & 4 to Mitigation measures 3 & 4 with the following exceptions for the Bering Sea bottom trawl fisheries open area. The specific approach for this concept will be identified by reconvening the subcommittee in Seattle on 9/29 to report back to the Committee prior to the Council meeting in October. *Motion carries 10-0.*

**Recommended Mitigation Alternatives:**

The following are the Committees recommended alternatives to minimize to the extent practicable adverse effects on EFH. The Committee notes that the available scientific information provides an analysis of fishing impacts on habitat features but does not relate those impacts on the health of managed species.

**Alternative 1:** No action/Status quo. No new management measures (in addition to those already in place) would be implemented at this time to minimize the effects of fishing on EFH.

**Alternative 2:** Prohibit all directed fishing with bottom trawl gear for GOA slope rockfish, and modify provisions of the license limitation program to allow gear conversion. Under a gear conversion provision, vessels with license designations for trawl gear in these areas would get endorsements to fish for these stocks with pelagic trawl or fixed gear.

**Alternative 3:** Prohibit all directed fishing with bottom trawl gear for GOA slope rockfish and Bering Sea flatfish, except within designated open areas.

**Alternative 4:** Prohibit the use of bottom trawl gear for all fisheries in the GOA slope area and in the Bering Sea, except within designated open areas.

**Alternative 5:** Establish no-take marine reserves (closures to all bottom tending gear, and all groundfish species including halibut) in slope areas of the Gulf of Alaska. TACs of FMP slope species (sablefish, slope rockfish, deepwater flatfish) would be reduced relative to their historic catch within these areas. In the Bering Sea and Aleutian Islands, prohibit all trawling within designated sites (based on concentrations of large emergent epifauna), and reduce TACs based on the relative amount that historically (1998-2001) came out of the sites. For the Bering sea sites, TAC reductions would be made for flatfish, cod, and pollock. For Aleutian Islands sites, TAC reductions would be made for mackerel, rockfish, and Pacific cod (trawl gear allocation).

**Alternative 6:** Establish no-take marine reserves (closures to all gear for all groundfish species including halibut) in each region. The primary purpose EFH reserves are to protect habitat in order to sustain productivity of FMP species.

**A. GOA slope objective:** To preserve relatively unimpacted Gulf slope habitat for the purpose of conserving biotic features of the seafloor and associated fish and shellfish assemblages typical of the Gulf of Alaska slope ecosystem.

**B. Bering Sea objective:** To preserve relatively unimpacted Bering Sea habitat for the purpose of conserving biotic features of the seafloor and associated fish and shellfish assemblages typical of the Bering Sea ecosystem. The marine reserves are tagged to address impacts from the flatfish and pollock fishery.

**C. Aleutian Islands objective:** To preserve relatively unimpacted Aleutian Island biogenic and substrate shelter habitat for the purpose of conserving biotic features of the seafloor and associated fish and shellfish assemblages typical of the biogenic and substrate shelter habitat in the Aleutian Island ecosystem.

**Alternative 7:** Establish at least 20% of the BS, AI, and GOA areas as no-take marine reserves (closures to all gear, and all species including halibut) across a range of habitat types, and reduce the TACs for all groundfish species by 20%.

**Alternative 8:** Implements three measures as follows:

A. Prohibit all directed fishing with bottom trawl gear for GOA slope rockfish, and modify provisions of the license limitation program to allow gear conversion. Under a gear conversion provision, vessels with license designations for trawl gear in these areas would get endorsements to fish for these stocks with pelagic trawl or non-trawl gear.

B. Prohibit the use of bottom trawl gear for flatfish fisheries in the Bering Sea, except within designated open areas.

C. Prohibit the use of bottom trawl gear within marine reserve areas within the Aleutian Island region. The objective is to preserve relatively unimpacted Aleutian Island biological and substrate shelter habitat for the purpose of conserving biotic features of the seafloor and associated fish and shellfish assemblages typical of the biological and substrate shelter habitat in the Aleutian Island ecosystem.

The EFH Committee recessed at about 3:30pm and will reconvene in Seattle prior to the Council meeting.