

DRAFT EFH Committee Minutes
AFSC Building 9 A/B
Seattle, WA March 27, 2002

Committee Members present: Linda Behnken (chair), Stosh Anderson (vice-chair), Heather McCarty, Scott Smiley, Ben Enticknap, Ted Meyers, John Gauvin, Gordon Blue, Earl Krygier, Glenn Reed.

Agency staff present: Cathy Coon (NPFMC), David Witherell (NPFMC), Cindy Hartmann (NMFC-HCD), John Lepore (NOAA-GC), Matthew Eagleton (NMFS-HCD), John Olson, Nina Mollett (NMFS-SF), Denby Lloyd (ADF&G), Chris Rooper (NMFS), Craig Rose (NMFS), Jack Turnock (NMFS), Tim Lohrer (IPHC).

Public Comment: Thorn Smith, Julie Bonney, Susan Robinson, Brent Payne, Joe Childers, Paul MacGregor.

The EFH Committee met on March 27 in Seattle. This meeting followed the EFH workshop held on March 25-26th in Seattle to complete fishery descriptions pertaining to the analysis on the EFH EIS, to review the criteria for minimal and temporary, and to discuss tools for mitigation. The next committee meeting will be May 15-17 in Sitka. The intent of the next meeting will be to finalize fishery descriptions, receive reports from the workgroups, review detailed descriptions of EFH designation alternatives, and discuss potential HAPC sites and types

The chair introduced a new member to the EFH Committee, Ted Meyers, who is the NMFS-Habitat Conservation Division director.

The agenda was slightly modified to best utilize the time and to allow for a fuller discussion on mitigation tools and criteria for minimal and temporary, as well as planning for the May meeting.

Draft Fishery Descriptions:

Fishery Descriptions were compiled from the workshop break out groups on March 26, 2002. In lieu of reviewing a draft document the committee agreed to have staff polish the document and have the information made publicly available on the web on April 3. Worksheets from the workshop will need to be completed by April 15th 2002 for the final draft.

Discussion on Minimal and Temporary:

The committee discussed the criteria for minimal and temporary included in the EFH Final Rule. John Heifetz, NMFS, took a first cut and provided his suggested interpretation from a scientific standpoint of what was meant in the regulations, and how it would apply to the Alaska region.

Discussion for the 'temporary' concept detailed the concept of recovery. If recovery can occur before the next fishing season effects would be considered temporary. The committee was concerned over the temporal concept of 'temporary'- is it intended to be on an annual basis, a seasonal one (i.e. pollock {A,B,C,D} seasons), or a longer time frame? The difficulty with the 'minimal' concept is that all activities may have some sort of measurable effect (either great or small). If any imprint would be an effect, then all fisheries would fail the minimal test. Specific questions arose in defining the

environment effected: Is it a discrete location as in a HAPC, or a more broad EFH area? Do we take into account intensity of the fisheries?

A discussion also ensued that it is difficult to start the process of evaluating fishing effects given the fact we don't have designations set. David Witherell presented his matrix idea to analyze this information with the updated status quo alternative. It ranked all the substrates and fisheries on temporary and minimal axes. He indicated that this would allow managers a conceptual way to understand different effects of different fisheries. It would also be useful for evaluating cumulative impacts on different substrates.

The committee liked the matrix concept but wanted additional details and changes. Dave noted that we will need to have a methodology to present to the Council (SSC review) for the June meeting to begin our full effects analysis this summer. The committee agreed that a standardized methodology would be ideal since we have limited data on the effects of fixed gear on habitats. The methodology would require some professional judgement in scoring. Committee members were concerned about the process being subjective. Relying on professional judgement alone has a lot of subjectivity on scale factors in determining impacts, since we can't compare scales between gear. Committee members suggested modifying the temporary effects with a factor that accounts for the probability of a location within a box being revisited prior to fish habitat recovery. The chair appointed a workgroup of David Witherell, Jack Tagart, Scott Smiley, Linda Behnken to discuss the subject in fuller detail and report back to the committee in May.

The committee asked for input from Jon Kurland EFH national coordinator on the Alaska regions progress. Kurland discussed the reason for ambiguity, stressing the fact that regions need to have these types of discussion for each fishery. NMFS HQ is not planning on providing on any more guidance.

The committee expressed concern that without additional National guidance we may potentially encounter legal difficulties if the other regions take a different course of action. Ted Meyers indicated that there is going to be a national EFH workshop end of April that Council staff and agency staff will attend. The intent of the National workshop is to address EFH EIS issues, and provide a forum for each region to present and discuss it's methodology and difficulties in the EFH analysis.

Mitigation Tools:

In addition to those tools outlined by Dr. Jeff Fujioka in Monday's presentation the chair asked if there were additional items or tools to be considered. The chair asked Council staff for a review of materials that are due for the Council at the October 2002 meeting. David Witherell noted that in October the Council may select a preliminary preferred alternative for EFH designation, a process and set of HAPC sites and types, and review mitigation alternatives. Discussion occurred on whether the selection of a preliminary preferred alternative would limit full range of all alternatives for the entire EIS, and not comply with NEPA standards. Staff indicated that it would not limit the full EIS analysis but provide working fodder for the effects analysis being carried out this fall.

The committee noted one of the areas missed in the agencies tools for mitigation white paper was the concept of rationalization as a way of reducing the fishing intensity, reducing bycatch, less loss of gear, overall combined to create less impacts to habitat. The committee created a workgroup to report on the concept of rationalization as a mitigation tool to be reviewed at the May committee meeting. Members of the work group are: Heather McCarty, John Gauvin, Gordon Blue, and Linda Behnken.

The committee also discussed the concept of restricted open areas, where specific fishing is restricted to specified areas. In essence this reserves areas that have been historically fished with high CPUE and removes the possibility of displacement of effort into more sensitive habitat. David Witherell noted that the rationale of this concept was developed within the DPSEIS for the flatfish trawl fisheries where the high CPUE is taken in the shortest amount of trawl time (and hence least benthic impacts) possible. Scott Smiley noted that the problem with open areas is that fish may move out of the area designated.

The group addressed the concept of an adaptive management approach, to test the feasibility of the mitigation tools under real conditions, and have the ability to change management measures which are not effective. Ben Enticknap wanted to note that research closures are a valuable tool but these areas need a certain amount of recovery time and not open an area that has been closed to fishing. Staff advised the group to create motions to depict their intent.

The committee discussed the need for having the full EFH designation alternatives and the full fishery descriptions to review in April prior to the May meeting. Mitigation tools will be evaluated with the completed fishery descriptions between now and the end of August. Preliminary mitigation alternatives may be discussed during the May committee meeting and finalized at the September meeting. Specific HAPC sites need to be discussed fully prior to September.

Motions:

1. Linda Behnken motioned: The EFH committee recommends to Council to urge the analysts to use to the extent possible all available data (reference to sablefish logbooks, state data), and make the process and assumptions for analyzing the effects as transparent as possible.

Motion carries

2. Linda Behnken motioned: Establish a small workgroup to more fully flesh out the minimal and temporary grid/ matrix and assumptions generating the factors. Scott Smiley, Jon Heifetz, Craig Rose, David Witherell, and Jack Tagart were appointed to the workgroup. Cindy Hartmann volunteered to have NMFS-HCD representation.

Motion carries

3. Scott Smiley motioned: In regards to adaptive management, the EFH committee requests that the Council endorse the view of the EFH committee that where applicable, mitigation measures be viewed as temporary until experimental analysis validates their effectiveness, i.e. adaptive management be an integral component of enacting these measures with experimental designs to account for long and short term changes.

Motion carries

4. Scott Smiley motioned: The EFH committee recommends that the Council write letters to North Pacific Research Board, PCCC and NMFS endorsing adaptive management research as a funding priority, asking them to consider incorporating such studies relevant to their research objective.

Motion carries

5. Linda Behnken motioned: The EFH committee recommends that the Council write letters to North Pacific Research Board, PCCC and NMFS emphasizing EFH as a pressing fishing management issues, in particular prioritize habitat mapping and substrate classification as well as gear impact analysis. The following are areas importance for gear impact analysis:

- 1- Pelagic gear effects on habitat
- 2- Follow up on the coral trawl study in Southeast
- 3- Encourage the current proposed assessment on the longline fishery (Heifetz- ABL)
- 4- Encourage an assessment on the pot fishery for habitat information

Motion passes (John Gauvin abstains due to NPRB affiliation)

6. Heather McCarty motioned: The EFH committee requests that a workgroup of Heather McCarty, John Gauvin, Gordon Blue, and Linda Behnken (with information from others) prepare a discussion paper for the May committee meeting on the issues of rationalization reducing the effects of fisheries on habitat.

Motion passes

7. Heather McCarty motioned: The EFH committee also requests NOAA- GC (John Lepore) prepare a discussion paper for the May committee meeting on the definition of ‘to the extent practicable’ for use in the upcoming analysis.

Motion passes

May 15th-17th meeting in Sitka :

The committee examined the amount of work necessary to complete during the May EFH committee meeting and determined that a 2 ½ working day time slot was needed to complete the tasks. Agenda items will include:

- 1) Workgroup to report on minimal and temporary methodology for the effects matrix.
- 2) Written discussion paper from workgroup on the effects of rationalization on habitat
- 3) “Extent practicable” review - John Lepore
- 4) Review EFH alternatives
- 5) HAPC sites- preliminary designation
- 6) Finalize Fishery Descriptions