

DRAFT**Ecosystem Committee Minutes**

Thursday, February 3, 2011 9am - noon
James Room, Renaissance Madison Hotel, Seattle, WA

Committee: Stephanie Madsen (chair), Jon Kurland, Dave Benton, Bill Karp, Dave Fluharty, Jim Ayers, John Iani, Diana Evans (staff)

Others attending included: Matt Eagleton, John Olson, Sarah Melton, Craig Rose, Jon Warrenchuk, Dave Witherell

EFH Omnibus Amendments

The Committee heard a report from staff on the initial review draft of the EFH Omnibus Amendment package. **The Committee recommends the following language as a problem statement for this action**, modified from the language provided by staff on page 4.

The EFH Final Rule and each of the Council's FMPs state that a review of EFH components should be completed every 5 years and the EFH provisions should be revised or amended, as warranted, based on the best available information. The 5-year review of EFH was completed in April 2010, and synthesized in a Summary Report presented to the Council. Based on the review, the Council has determined that new habitat and life history information is available to revise many of the EFH descriptions and recommendations in the Council FMPs. Additionally, the EFH review process has proven to be an appropriate vehicle for identifying HAPC priorities, and the Council intends to consider whether periodic calls for HAPC proposals should be synchronized with future 5-year reviews.

The Committee also recommends that the Council release the document for public review, with the revisions noted below. The Committee had no specific comment on Actions 1, 2 and 4. Indirectly on Action 3 (amend EFH descriptions in the BSAI Crab FMP), the Committee notes that as part of Council action on the EFH 5-year review, a separate discussion paper was initiated by the Council, to address both potential changes to juvenile red king crab EFH, and the effect of fisheries occurring in southern Bristol Bay on spawning habitat for red king crab. Given the timing of the discussion paper, which will be available for review in April, the Committee suggests that any action that may result from this discussion paper should be moved forward as a trailing amendment to the omnibus package.

With respect to Action 5 (technical changes to EFH descriptions in the salmon FMP), the Committee discussed the AFSC's progress with developing a new methodology for refining EFH for salmon marine life stages. The Committee concurs that changes to the salmon EFH descriptions should be postponed until the methodology has been peer reviewed. **The Committee recommends that the Council remove Action 5 from the omnibus amendment package.** The salmon FMP technical changes should be undertaken as a trailing amendment to the omnibus package, in conjunction with the substantive revisions to EFH that result from the new methodology. The Committee notes that the Council is currently considering other changes to the salmon FMP, and it may be appropriate for the EFH revisions to be included in a comprehensive salmon FMP amendment.

Under Action 6, the revised non-fishing EFH conservation recommendations, the Committee appreciates NMFS' efforts to contact marine industry groups that may potentially be affected by the changes. The Committee discussed ways for NMFS to provide a central information source identifying whether activities are covered under a general permit or require individual permitting (and thus EFH consultation), as well as NOAA's responsibility to identify sensitive areas of EFH under the revisions to the National

Contingency Plan for oil and gas spills. **The Committee encourages the Council to ensure that the draft recommendations and analysis that go out for public review provide sufficient information to allow the public to understand the likely effect of the revised recommendations on their activities.** This will allow interested stakeholders (e.g., industry, communities, tribes) to make an informed comment prior to final action.

The Committee discussed the proposed revisions to the default timing for the Council's consideration of HAPC priorities under Action 7, and the rationale for changing the timing. The Committee notes that when the process was put in place, in addition to the Council's periodic HAPC consideration, it was also understood that NMFS would review habitat information on a continuous basis. The Committee notes that NMFS should be encouraged to bring proposed HAPC priorities to the Council when warranted, and that the proposed change under Action 7 does not preclude the agency from doing so.

With respect to Action 8, the Committee understands that the SSC is providing revisions to the research objectives included in the FMPs' EFH research approach. The Committee considers it important that the FMPs recognize that the Council is moving along a continuum in EFH research and conservation, and progress to date should be reflected as well as continued activity to meet the FMPs' habitat goals.

HAPC Skate Nurseries Discussion Paper

The Committee had a brief staff presentation on the HAPC discussion paper evaluating skate nursery HAPC proposals. **The Committee recommends that the Council initiate an analysis for considering the six proposed skate nursery sites as HAPCs, using the alternative structure identified in the discussion paper. The analysis should clarify that the Council may select a different alternative for each of the six proposed skate nursery sites.** Under Alternative 3, the options for prohibiting gear types within the proposed HAPCs should clarify which gear types would be excluded, and should add an option to prohibit pelagic trawl in addition to mobile bottom contact gear. The proposed alternatives would be as follows:

Alternative 1: status quo

Alternative 2: identify skate nursery HAPCs, without associated management measures

Alternative 3: identify and conserve skate nursery HAPCs

Option a: prohibit nonpelagic trawl, dredge, and dinglebar gear ("mobile bottom contact gear")

Option b: prohibit nonpelagic trawl, pelagic trawl, dredge, and dinglebar gear

Option c: prohibit nonpelagic trawl, dredge, dinglebar, pot, and hook and line gear ("bottom contact gear")

Option d: prohibit nonpelagic trawl, pelagic trawl, dredge, dinglebar, pot, and hook and line gear (all fishing gear)

The discussion paper identifies an additional conservation measure, labeled "D", which proposes monitoring skate egg case concentrations every 2-3 years. **The Committee recommends that option D in the discussion paper be identified as a research priority, and removed from the options under alternative 3.** The research priority should be incorporated in the Council's annual research priority list, and the Committee expresses its support for continuing research to evaluate skates, skate nurseries, their ecology and habitat.

Additionally, the discussion paper identifies an option "E" that would maintain skate nursery areas as a Council HAPC priority. This raises the broader policy question of whether Council HAPC priorities are, by default, continuing priorities, for which HAPC site proposals may be submitted on a continuing basis, or whether a Council HAPC priority exists exclusively for the duration of a Council HAPC proposal cycle. In the latter case, no further HAPC proposals would be accepted for a given HAPC priority after the conclusion of the HAPC proposal cycle, unless (a), the Council re-designates that particular HAPC

priority, and initiates another HAPC proposal cycle; or (b), NMFS brings forward compelling information to suggest that the Council should re-designate the HAPC priority. **The Committee recommends that the Council specifically address this broader process question, and that option E in the discussion paper be removed from the options under alternative 3.** The Council could address this question either in the analysis, or as a general policy clarification to the Council's HAPC process.

Discussion paper on sablefish recruitment

The Committee had a short discussion with Dr Jon Heifetz about the sablefish recruitment discussion paper. The conclusions in the discussion paper indicate that adopting specific conservation measures for juvenile sablefish is premature given ongoing research about the relationship between habitat and recruitment. Consequently, **the Committee recommends that no further action be taken with regard to EFH conservation recommendations for sablefish.**

The paper, and the Plan Teams, continue to affirm that small research closures in areas that are intensively fished are a useful tool to understand the effects of fishing in a multispecies context, especially on benthic habitat. **The Committee recommends that the Council invite the AFSC to provide a specific research proposal with a rationale and suggested methodology and locations for this type of work.**