



## New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116

John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

### MEMORANDUM

**DATE:** October 31, 2018  
**TO:** Habitat Advisory Panel  
**FROM:** Chris McGuire, Habitat Advisory Panel Chairman  
**SUBJECT:** Charge to AP for November 5, 2018 meeting

There will be a Habitat Advisory Panel meeting at the Hilton Garden Inn Boston Logan Airport on **Monday, November 5, 2018, starting at 10:00 a.m.**

#### **Purpose**

The purpose of this meeting is to review a range of alternatives for the framework action that is considering clam and mussel dredge exemptions within the Great South Channel Habitat Management Area (HMA) and provide guidance to the Habitat Committee as they finalize the range for final Council action in December. The AP will also discuss offshore wind energy updates and 2019 Council priorities related to habitat topics.

#### **Clam and mussel dredge exemptions in the Great South Channel Habitat Management Area**

The clam framework is a trailing action to the recently implemented Omnibus Essential Fish Habitat Amendment 2 (OHA2). The Great South Channel HMA is presently closed to mussel dredging and all other mobile bottom-tending gears, although clam dredge vessels are currently able to operate in all but the northeastern corner.

In August, the clam industry provided a range of potential exemption areas for Committee consideration, and the Committee forwarded five of these areas on to the Council for further discussion. The Council recommended examining the remaining four areas as potential seasonal exemptions (open in spring and summer) to avoid times and areas when cod spawning occurs on Nantucket Shoals. The Council also recommended that any areas where clam exemptions are being considered be evaluated as potential mussel dredge exemption areas as well. Motions are available on the September meeting page at this link <https://s3.amazonaws.com/nefmc.org/Sept-2018-Council-Meeting-Motions.pdf>, on page 6.

The Plan Development Team has recommended a general range of alternatives for the Committee's consideration, which include the following:

- Alternative 1: No action (no clam dredge access after April 2019)
- Alternative 2: Designate year-round and seasonal exemption areas
- Alternative 3: Designate year-round and seasonal exemption areas with area rotation
  - Sub-option: 3 rotations with 5-year intervals
  - Sub-option: 2 rotations with 10-year intervals
- Alternative 4: Authorize use of mussel dredge gear in the HMA in the same areas and times as clam dredges are permitted

These alternatives are scoped out in a memo from the PDT to the Committee (document 3) and summarized in document 4. The Committee was asked to come prepared to adjust these alternatives (areas included, area boundaries, seasonal window, monitoring requirements, rotation/no rotation and number of groupings). The Advisory Panel can provide guidance to the Committee on these issues. With their memo, the PDT has attempted to provide a range of information to assist the Committee (and Advisory Panel) in making these recommendations. Recent PDT discussions on the framework are detailed in documents 2a, 2c, and 2d. Additional materials related to the framework including documents referenced in the memo are available here: <https://www.nefmc.org/library/clam-dredge-framework>.

The Enforcement Committee will meet on November 1. The purpose of the Enforcement Committee meeting is to discuss the industry-suggested areas and their enforceability. A few vessels have been participating in a study fleet throughout the month of October to allow comparison of 5-minute vs. 60-minute VMS data. Council staff will brief the AP on the outcomes of this meeting (a draft summary will be provided as document 2e).

### **Offshore energy**

Council staff (and members) continue to engage on offshore energy development issues. One item of interest that is available for comment through November 19 is the draft Construction and Operations Plan for the South Fork project. BOEM recently issued a Notice of Intent to prepare an environmental impact statement related to this project. Information related to the South Fork project is available at <https://www.boem.gov/South-Fork/>. The Council commented at the same stage in the development process for the Vineyard Wind project, and the Committee may wish to develop comments on this project as well. Whether the Council sends its own comment letter or not, staff will be working with NMFS and MAFMC staff to develop agency comments on scope of issues to be considered in the EIS.

Also note that the NY Bight Task Force is meeting in New York City on November 28. Materials and information will be posted later this month at <https://www.boem.gov/New-York/>. BOEM is in the process of refining the initial NY Bight call areas for future leasing. Council staff collaborated with NMFS and MAFMC on extensive analyses related to the initial call areas and plans to update this work as needed, time permitting.

### **2019 priorities**

The Council discussed 2019 priorities in September and is in the process of ranking these priorities for final consideration at the December meeting. Please be prepared to discuss any questions or concerns related to these priorities or their relative importance. Habitat-related priorities are provided as document 4.



## **Meeting Materials**

As they become available, the documents listed below will be posted to <https://www.nefmc.org/calendar/nov-5-2018-habitat-advisory-panel-meeting>. Paper copies will be provided at the meeting. If you have any questions about the documents, please contact Michelle Bachman ([mbachman@nefmc.org](mailto:mbachman@nefmc.org); 978-465-0492 x120).

1. Tasking memo from Chairman Chris McGuire (*this document*)
2. Meeting summaries
  - a. Habitat PDT – August 13, 2018
  - b. Habitat Committee – August 28, 2018
  - c. Habitat PDT – September 18, 2018
  - d. Habitat PDT – October 23, 2018
  - e. Enforcement Committee – November 1, 2018 – DRAFT
3. Habitat PDT memo to Habitat Committee re clam framework alternatives
4. Potential Council tasks for 2019 related to habitat
5. Correspondence