
Habitat Hotline Atlantic

Issues of Concern for Atlantic Marine Fish Habitat

April 1996, Issue No. 13



Management of Atlantic Coastal Marine Fish Habitat:

A Workshop for Habitat Managers

Fisheries and management of marine fish habitat are inherently intertwined. Fish habitat is synonymous with everything a fish needs to survive; thus habitat management decisions can severely impact the resources upon which fish depend. It is critical that fishery managers and habitat managers work together to manage these vital resources.

The Atlantic States Marine Fisheries Commission is sponsoring a three day workshop to provide an opportunity for habitat and fishery managers to collaboratively work to improve fish habitat protection. Co-sponsored by the National Oceanic and Atmospheric Administration's Coastal Services Center, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service, the workshop will facilitate communication between habitat and fishery managers, as well as heighten the consideration of impacts to fisheries during habitat management deliberations. This will be accomplished by informative presentations and discussions on current topics, such as identification of essential fish habitat, the effects of pollution and habitat degradation on fisheries, innovative approaches to fish habitat management, and more.

The workshop will be held in Philadelphia, Pennsylvania at the Ramada Inn - Philadelphia International Airport (phone 610/521-9600), on June 3-6, 1996. The workshop had originally been scheduled for March, but was postponed as a result of the federal budget crisis. Pre-registration is required because of limited seating availability. For further information, call 202/289-6400.

Habitat Managers Workshop
Ramada Inn - Philadelphia International Airport
June 3-6, 1996

Agenda

MONDAY JUNE 3, 1996

- 4 p.m. - 6 p.m. **Poster Set-up**
7 p.m. - 9 p.m. **Social and Poster Viewing**

TUESDAY JUNE 4, 1996

- 8:30 a.m. **General Introduction**
Session 1 Overview of the Fisheries Management Process,
Moderator: *Wilson Laney, USFWS*
8:45 **Introduction** — *Wilson Laney, USFWS*
9:00 **The ASMFC Process** — *John H. Dunnigan, ASMFC*
9:20 **The Federal Fishery Management Council Process** —
Roger Pugliese, SAFMC.
9:40 **Integration of State Fisheries and Habitat Management**
with the ASMFC and Fishery Management Councils -
TBA
10:00 **BREAK**
10:15 **Review of ASMFC FMPs and their Habitat Recommendations** — *Dave Stevenson, Maine DMR.*
10:35 **Chesapeake Bay Program** — *Nancy Butowski, Maryland DNR.*
Session 2 Existing/Creative Tools for Fisheries Habitat
Management, Moderator: Larry Hardy, NMFS
11:00 **Introduction** — *Larry Hardy, NMFS.*
11:20 **Use of Water Quality Standards to Protect Fish Habitat**
— *Ralph Abele, USFWS*

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- 11:40 U.S. Fish and Wildlife Service — Conserving Coastal Habitats with the Coastal Wetlands Conservation Grants Program - *Keith Taniguchi, USFWS*
- 12:00 LUNCH
- 1:10 Natural Resources Damage Assessment Process and Fish Habitat Protection — *John Lindsay, NOAA*
- 1:30 Local Governments and Fish Habitat Protection — *Abigail Friedman, National Assoc. of Counties*

Session 3. Implications of Identifying Essential Fish Habitat, Moderator: *Lee Crockett, NOAA*

- 1:55 Introduction: Why Essential Habitat? - *Scott Burns, World Wildlife Fund*
- 2:15 Considerations for the Atlantic States Marine Fisheries Commission — *Wilson Laney, USFWS.*
- 2:35 BREAK
- 2:50 NMFS Planning to Meet the Challenge - *Jim Burgess, NMFS.*
- 3:10 Concerns and Implications for Essential Habitat Identification — *Angela Cristini, Ramapo College*
- 4:00 - 5:30 Social and Poster Viewing
- 5:30 - 7:00 Discussion Session: Identifying Essential Fish Habitat Facilitator: *Scott Burns, World Wildlife Fund.*

WEDNESDAY JUNE 5, 1996

Session 4 Restoration or Enhancement Projects to Benefit Fisheries, Moderator: *Ben Anderson, Delaware DNREC*

- 8:30 Introduction — *Garry Mayer, NMFS*
- 8:50 Ecological Processes and Parameters for Restoration Planning — *David J. Yozzo, US ACoE Waterways Experiment Station*
- 9:10 Panel: Requirements for a Successful Enhancement or Restoration Project
Seagrasses — *Robin Lewis, Lewis Environmental Services, Inc.*
- 9:25 Saltmarsh — *Mike Weinstein, Teva Environmental Associates*
- 9:40 Anadromous Fish Habitat — *Scott Carney, Pennsylvania Fish and Boat Commission*
- 9:55 Discussion
- 10:15 BREAK
- 10:30 Use and Management of Artificial Reefs — *Richard Christian, ASMFC*

Session 5 Linking Habitat Loss to Fisheries Impacts, Moderator: *Jennifer DiLorenzo, Office of NJ State Assemblyman Steve Corodemus*

- 10:50 Introduction — *Jennifer DiLorenzo, Office of NJ State Assemblyman Steve Corodemus*
- 11:10 Impacts to the Quantity and Quality of Fish Habitat

- 11:30 along the Atlantic Coast — *Fred Holland, SC DNR*
- LUNCH — Dredging: What is the Best Approach for New Jersey? — *Steve Corodemus, New Jersey State Assemblyman.*
- 1:00 Determining the Effects of Habitat Impacts on Fish Populations — *John Boreman, Univ. of Mass.*
- 1:20 Approaches for Determining Effects of Pollution on Fish Populations in Puget Sound — *John Stein, NMFS*
- 1:40 Effects of Pollution on the Behavior and Subsequent Fitness of Salt Marsh Killifish — *Judith Weis, Rutgers University*
- 2:00 BREAK

Session 6 Review of Regional Habitat Issues Moderator: *Rob Dunlap, SC DNR*

- 2:15 Introduction — *Rob Dunlap, SC DNR*
- 2:35 Dredging Windows for Long Island Sound — *Karen Chytalo, NY DEC*
- 2:55 Results of Managing Agricultural Nonpoint Source Pollution in a Southeastern Estuary — *Geoff Scott, NMFS*
- 3:15 Regional Breakout Sessions
- 4:00 Development of Coastwide Priorities and Discussion of Novel Approaches

THURSDAY JUNE 6, 1996

Session 7 What Kind of Information do Habitat

Managers Need? Moderator: *Chris Mantzaris, NMFS*

- 8:30 a.m. Introduction — *Chris Mantzaris, NMFS*
- 8:50 Panel: Information Needs of Habitat Managers
Art Newell, NY DEC
Rob Dunlap, SC DNR
Ed Bonner, US ACoE
Dave Stevenson, Maine DMR
Harley Spier, Maryland DNR
Mike Street, NC DEHNR
- 10:00 Providing Managers with the Information They Need — *Margaret Davidson, NOAA Coastal Services Center*
- 10:35 Overview of Habitat Assessment Techniques — *Fred Holland, SC DNR*
- 10:55 BREAK
- 11:10 Integrating Research and Management: An Example from New York — *Ken Able, Rutgers University*
- 11:30 National Habitat Research Needs — *Gordon Thayer, NMFS*

Session 8 Wrap-Up, Moderator: *Dianne Stephan, ASMFC*

- 11:50 Report of Rovers, Development of Recommendations and Future Planning

1:00 p.m.

ADJOURN

North Carolina Drafts Strong Habitat Recommendations

Review panel discusses substantial changes to marine fisheries habitat protection program

On April 12, the Habitat Subcommittee of the Moratorium Steering Committee released a report outlining findings and recommendations for the improvement of marine fish habitat protection in North Carolina. Recommendations include designating the North Carolina Marine Fisheries Commission as the lead agency responsible for protecting fisheries habitat.

The Moratorium Steering Committee (MSC) was established as a result of a law enacted by the North Carolina General Assembly which prohibits the sale of new commercial fishing licenses between the period of 1 July 1994 and 30 June 1996. The Committee was directed to conduct a thorough examination of North Carolina's coastal fisheries management system, in the wake of declining key fish stocks, increased pollution in coastal waters, increased finfish and shellfish diseases and fish kills, degradation of fish habitat, and increasing conflict among fishermen. The goal of the moratorium and concurrent analysis is to promote productive commercial and recreational fisheries through establishment of a new coastal fisheries management system which equitably considers fish stocks, people, and habitat in the decision making process.

The Habitat Subcommittee of the MSC was formed to specifically address habitat issues relative to North Carolina fisheries. After months of public meetings and input from state and federal agencies, the chief recommendation developed by the Subcommittee is that the Marine Fisheries Commission be designated by the NC General Assembly as the lead agency responsible for protecting coastal fisheries

habitat. In order to accomplish this recommendation, the following actions were suggested:

Establish an Effective Habitat Protection Program - The development of a protection plan for designated types of critical fisheries habitat was recommended. Critical habitat types were specified as: submerged aquatic vegetation, coastal wetlands, primary nursery areas, secondary nursery areas, shellfish beds, crab spawning sanctuaries, anadromous fish spawning areas, and habitat of threatened and endangered aquatic species. Suggested management measures included mandatory best management practices to control stormwater runoff, fishery gear restriction, and restriction on point source dischargers, among others. Coordination procedures that ensure implementation of fisheries habitat plans were suggested, to be established by the legislature, Governor, and Secretary of the Department of Environment, Health, and Natural Resources (DEHNR). The Subcommittee also suggested that the Commission be granted the authority to contest the actions of other state agencies which are inconsistent with adopted fisheries habitat plans.

Enhance Enforcement of Fisheries Habitat Protection Laws - The Subcommittee suggested that fishery marine patrol officers be provided the training and authority to enforce environmental regulations. A 24-hour toll free hotline was suggested for reporting environmental problems or violations.

Promote Effective Public Involvement - A citizen's water quality monitoring

program was recommended, which would focus on compliance with environmental laws. A citizen suit provision which would allow citizens to recover legal fees when prevailing in state lawsuits to enforce environmental laws was also suggested.

Acquire, Restore, and Preserve Critical Fisheries Habitat - Dedication of \$50 million annually for the purchase or restoration of critical fisheries habitat was recommended. In addition, incentives for voluntary preservation of private lands was encouraged.

Ensure that Fishing Practices Do Not Damage Fisheries Habitat - The Subcommittee suggested that all recreational and commercial fishing gear be evaluated for its potential to cause habitat destruction.

Protect Habitat from Aquatic Equipment and Practices - Commercial and recreational boats, vessel related debris, and onboard sanitation equipment were all cited as having potential habitat damaging implications. Recommendations included enforcement of current regulations such as the prohibition of Tri-Butyl-Tin and lead in bottom paint, and litter laws; stricter dredging laws, further study of no-wake zones, and increased availability of vessel pump-out stations.

The MSC will be voting on Subcommittee recommendations on June 13-14, and public meetings to discuss final recommendations will be held for six weeks following July 15, 1996. For further information contact Mike Street, NC Division of Marine Fisheries (919) 726-7021.

Third Marine and Estuarine Shallow Water Science and Management Conference

Call for Abstracts and Conference Preregistration

Conference objectives are to elevate the perception of the importance of habitats in the shallow water zone; to increase understanding of the relative functions and values of shallow water habitats, and to compare and contrast 'higher value' habitats such as submerged aquatic vegetation, natural reefs, wetlands, and shellfish beds, with 'undervalued' habitats such as mud flats, beach zones, artificial reefs, water column, and unvegetated bottoms.

Of the three sets of sessions, the first will investigate the biotic, chemical, physical, and geological processes that form and affect the habitats in shallow water environments. The second set of sessions will focus on the specific habitats identified above, and "Spotlighting Solutions" will be the final set of sessions, which will review management practices and regulatory programs.

Abstracts are due June 1, 1996. For abstract format or additional information, contact Ed Ambrogio (215) 597-3697 (ambrogio.edward@epamail.epa.gov) or Ralph Spagnolo (215) 597-3642 (spagnolo.ralph@epamail.epa.gov).

Calendar

Watershed '96 - A conference concerning all aspects of managing watersheds, sponsored by the Environmental Protection Agency, private groups, and other federal agencies is scheduled for June 8-12 in Washington, D.C. Specific program information is available by writing or faxing Watershed '96, c/o WEF, 601 Wythe Street, Alexandria, VA, 22314-1994, FAX 703/684-2475. On-line address <http://www.epa.gov/OWOW> click on "What's New."

Third Marine and Estuarine Shallow Water Science and Management Conference - Abstracts and pre-registration are due June 1, 1996. Conference objectives are to elevate the perception of the importance of habitats in the shallow water zone. The Conference will be held in Atlantic City, New Jersey on December 2-5, 1996. For abstract format or further information, contact Ed Ambrogio (215) 597-3697 OR ambrogio.edward@epamail.epa.gov.

Management of Atlantic Coastal Marine Fish Habitat: A Workshop for Habitat Managers - A workshop for state and federal habitat managers focused on heightening the consideration of impact to fisheries during habitat management deliberations, and facilitating communication between fishery and habitat managers. Sponsored by the Atlantic States Marine Fisheries Commission, NOAA Coastal Services Center, and U.S. Fish and Wildlife Service, the workshop will be held in Philadelphia, PA during June 3-6, 1996. For further information, call 202/289-6400 or FAX 202/289-6051.

Gulf of Maine Ecosystem Dynamics - A scientific symposium and workshop to review regional research activity and establish future research priorities. The Workshop will be held September 16-19 at the Algonquin Hotel in St. Andrews, New Brunswick. For further information, contact the Regional Association for Research on the Gulf of Maine, 603/646-3480 phone, 603/646-3856 FAX or braasch@dartmouth.edu email or see the web page: <http://fundy.dartmouth.edu/rargom/>.

National Sediment Bioaccumulation Conference - A scientific conference sponsored by the Environmental Protection Agency, which was previously postponed. The conference is free of charge, but early registration is encouraged. It will take place September 11-13 at the Hyatt Regency in Bethesda, MD. For further information, FAX Charlie MacPherson or Melissa Bowen, Tetra Tech, 703/385-6007 or write Tetra Tech, 10306 Eaton Place, Fairfax, VA, 22030.

National Marine Educators Association 20th Annual Conference: Making Connections - Global Lessons from the Gulf of Maine. - The Gulf of Maine is the setting for the 20th anniversary annual NMEA Conference. The conference will be held at the University of New Hampshire in Durham, August 1-5, 1996. For further information, contact the University Conference Office, 603/862-1900 phone or 603/862-0245 FAX.

EPA Considers Expanding Mud Dump Site

The Mud Dump Site (MDS), located about six miles off the coast of New Jersey, continues to be a source of contention for the Environmental Protection Agency (EPA) and New York and New Jersey residents. Since 1984, the MDS has been used as a disposal site for sediments dredged from the Port of New York and New Jersey and other nearby harbors. Some of these sediments are classified as Category I material, which is acceptable for unrestricted ocean disposal; however, much of the sediment from the Port of New York and New Jersey is classified as Category II (acceptable for ocean disposal with appropriate management practices) or Category III (unacceptable for ocean disposal). Although much of the contention lies in whether Category II materials are truly safe for ocean disposal, the current issue involves the limited amount of space left in the MDS, and other options for sediment disposal once MDS capacity is reached.

The EPA has decided to consider three options in light of the MDS's limited remaining capacity. These options include: 1) no action; 2) expansion of the MDS for Category I material, and 3) expansion of the MDS for Category I and II material. A supplemental Environmental Impact Statement (SEIS) will be prepared by EPA, to be used in conjunction with the EIS from the original designation of the MDS in 1984. Publication of the SEIS is expected to be sometime in September 1996.

Because of potential fisheries impacts, EPA is in the process of holding public meetings with fishermen of the NY/NJ area. Meetings are scheduled for April 25 in Freeport, NY and May 6 in Monmouth Beach, NJ. For further information about these meetings, or to submit written comments, contact Joseph Bergstein, EPA, (212/637-3521).

Mid-Atlantic Coastal Bay Pollution

On March 9, 1996, the U.S. Environmental Protection Agency released results of a four-year study of bays along the Delaware and Maryland coasts that found water quality so poor that underwater vegetation is unable to grow, diminishing fish and shellfish habitat. Development and agriculture were cited as the two main sources of excessive nutrients and pollutants. To obtain a copy of the EPA report, contact Charles App, EPA at (215) 597-9589.

EPA Proposes Controversial Changes to Ocean Dumping Regulations

The Environmental Protection Agency (EPA) announced proposed changes to testing requirements for ocean dumping of dredged material on February 29 in the Federal Register (Vol. 61, No. 41, pp 7767-7770). The EPA stated that the proposed rule would clarify certain provisions of the Agency's ocean dumping regulations relating to requirements for bioassay testing.

The federal register notice explained that the rule was proposed in response to a recent lawsuit awarded to Clean Ocean Action, an environmental group located in New Jersey that had sued EPA, the Army Corps of Engineers (ACoE), and the Port Authority of New York and New Jersey over a permit which allowed the disposal of dioxin contaminated dredge spoils at the 'mud dump site,' located about six miles off the New Jersey coast. The court ruled that the agencies had not conducted the proper tests, and the permit was issued illegally. EPA contends that the court interpreted EPA regulations in a different manner than was originally intended; the proposed changes are meant to be a clarification.

The issue of where and how to dispose of contaminated dredge spoils has plagued

the New York/New Jersey area for some time now, and is also of national concern. Studies at both the state and national level have been undertaken to investigate options for dredging projects on hold because of the presence of contaminated sediments. In resolutions passed during 1993 and 1987, the ASMFC called upon EPA, ACoE, and Congress to investigate decontamination technologies and other disposal options, with the ultimate goal of ending the dumping of any contaminated sediments in ocean waters.

The proposed rule is meant to ensure discretion for EPA and ACoE in testing for sediment contaminants. For example, the proposed rule would change the definition of "bioassay" to include not only tests which expose marine animals to the actual sediments proposed for dumping, but other evaluative procedures such as toxicological modelling, bioaccumulation modelling, and risk assessments. Under this new definition, EPA would not be required to implement laboratory testing, which is time consuming and expensive for the permit applicant. According to EPA officials in the New York/New Jersey area, the proposed rule could affect the outcome of a number of the ocean dumping permits currently

under review.

Some scientists and national environmental groups have expressed great concern over EPA's proposal. The thirty day comment period provided in the federal register notice was criticized because of the limited time allowed for public and scientific debate. A bipartisan Congressional delegation led by New Jersey Congressmen Saxton and Pallone wrote to President Clinton and requested a thorough scientific review of the proposed rules, with participation from citizen groups. Pressure from concerned citizens had already resulted in a thirty day extension of the public comment period.

In a letter to the EPA, ASMFC also requested sufficient time and opportunity for technical debate, and for public education and discussion. ASMFC objected to the counter-intuitive changes to the definition of bioassay, and requested clarification on the use of acute toxicity data in predicting chronic effects. EPA's response to remarks provided during the public comment period, which ended May 1, should be available in the near future.

Clinton/Congress Reach FY 1996 Budget Agreement

On April 24, 1996, the Clinton Administration and House and Senate leaders finalized a budget agreement to fund certain agencies of the federal government for the remainder of the current fiscal year, which expires September 30, 1996.

H.R. 3019, the Omnibus Appropriations Act of 1996, provides regular annual appropriations for the Departments of Interior, Commerce, Justice, State, Veterans Affairs, Housing and Urban Development, Labor, Education and Health and Human Services as well as independent agencies of the government (i.e. the Environmental Protection Agency). The \$163 billion agreement is a \$23 billion cut in

discretionary spending from last year. The bill restores \$5 billion of the \$8 billion Congressional leaders proposed to cut earlier this year from environmental protection, education, job training and veterans' assistance programs.

A legislative rider was removed from the bill which would have prevented the EPA from vetoing Army Corps of Engineers dredge and fill permits, which may have threatened wetlands protection. Prior to the agreement, the relevant federal agencies were operating under temporary funding, scheduled to expire midnight, April 24th. A one day extension measure was signed into law on the 24th to allow for Congressional approval of the negotiated final agreement. Congress passed and the President signed H.R. 3019 on April 25, 1996.

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Atlantic**

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