

Habitat Committee Report

Michelle Bachman and Jennifer Couture
NEFMC staff

NEFMC
February 1, 2022
Via Webinar



2022 Habitat Work Priorities

- **S. New England Habitat Area of Particular Concern** – recommend initiating action during **today's meeting**; approving HAPC in **April**; submitting action shortly after
- **Northern Edge Habitat Management** – any minor white paper edits in **February**; more extensive work can be completed over the **longer-term**, based on future Council prioritization
- **Offshore wind engagement**
 - ROSA involvement ongoing, working with NOAA staff to draft habitat monitoring recommendations
 - Need to consider how many resources to devote to providing project-specific comments; DEIS comment periods are generally **July-Sept**
- **Northeast Regional Habitat Assessment** – 3-yr project ends in **July**, rollout of results **throughout the year**; envision opportunities to provide feedback and discuss applications
- **Atlantic salmon framework** – expect work to occur **later this year** once project progresses and GARFO begins EIS development; PDT to help develop alternatives/analyses
- **Great South Channel HMA and clam exemptions** – not a 2022 priority, but will discuss 2/1

Action to designate HAPC in S. New England

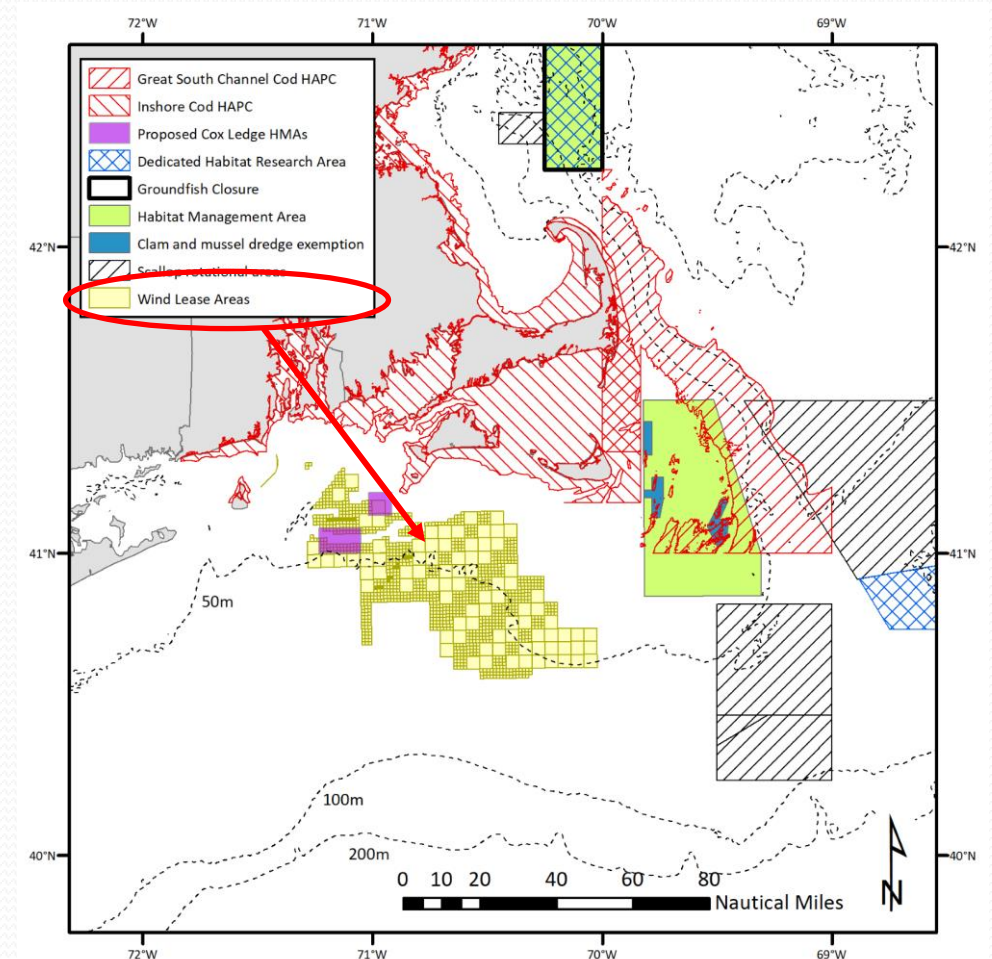
- Habitat Areas of Particular Concern are a subset of essential fish habitat, designated based on 1+ of the following criteria:
 - (1) Important ecological functions, (2) sensitivity to anthropogenic stresses, (3) extent of current/future stresses, (4) rarity of the habitat type
- Generally, HAPCs support NOAA's essential fish habitat consultations
 - Emphasize importance of specific areas and habitat features
 - Strengthen basis for habitat conservation recommendations to avoid, minimize, mitigate impacts
- Here, we are concerned about impacts of wind energy / other development on EFH for managed species
 - Cod spawning, potentially scallops and other species also

HAPCs vs. Habitat Management Areas

- Habitat Management Areas have gear-based restrictions on fishing to minimize the adverse effects of fishing on essential fish habitat
 - Generally, mobile bottom-tending gears, i.e., bottom trawls and dredges, are prohibited
 - A few HMAs have other measures: closures to all gears except lobster pots (Ammen Rock), discrete exemptions for clam and mussel dredges (Great South Channel)
- HAPCs are non-regulatory, with no restrictions on fishing directly associated with the designation
- However, in some cases, HMAs and HAPCs overlap spatially
- Future Council action would be required to restrict fishing in any HAPCs, including this one, probably through co-designation as an HMA

Southern New England context

- Multiple wind leases in SNE
- Inshore Juvenile Cod HAPC (coastline to 20 meters), Great South Channel Juvenile Cod HAPC
- Habitat, groundfish, and scallop management areas
- Cox Ledge HMAs proposed via OHA2 but not approved/implemented



Habitat Committee recommendation

- That the Council initiate a Framework to develop a Habitat Area of Particular Concern (HAPC) in Southern New England, with the following problem statement:
 - A new HAPC in Southern New England is needed to provide conservation focus for specific New England Council-managed species with EFH in the area. This is due to concerns about impacts from offshore development, specifically offshore wind in the near term, and possibly offshore aquaculture in the future.

Potential objectives of this HAPC

- Provide more specific area for conservation focus than overlapping EFH designations
- Encompass locations and habitat features important to NEFMC-managed species
 - Identify life history stages and behaviors supported by the HAPC
- Support development of conservation recommendations that improve groundfish spawning and critical habitat protection and that will avoid and minimize impacts to habitat

Information sources to consider

- Habitat and sediment data: USGS, UMassD SMAST, RI SAMP, offshore wind project data (if available)
- Species data: Atlantic cod stock structure working group, passive acoustic monitoring data, Northeast Regional Habitat Assessment info/trawl survey data
- Other: TNC's scour protection report, literature on impacts of development on habitat

Next steps

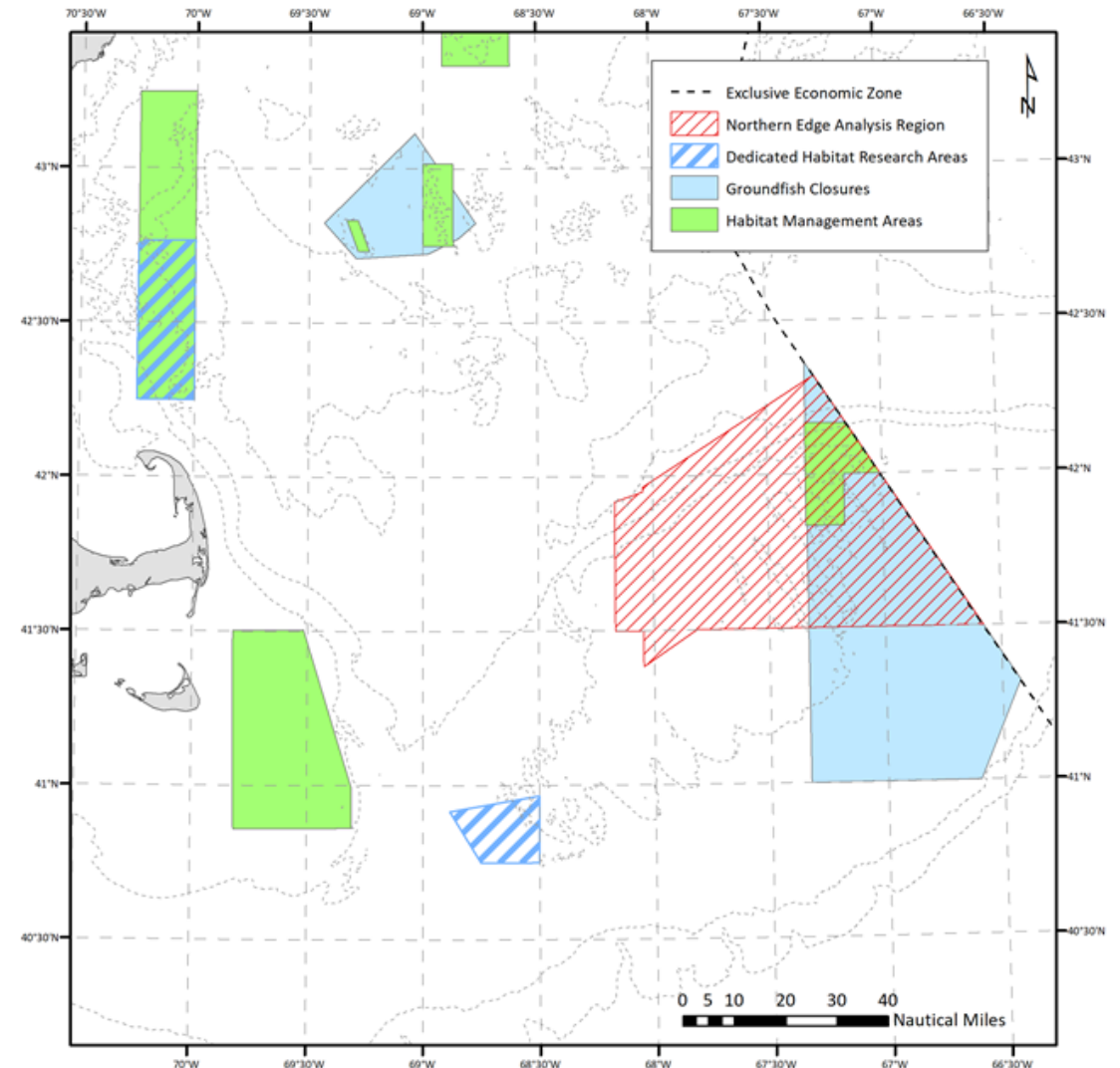
- Refine HAPC problem statement, rationale, objectives
- Identify focal species and their important EFH elements
- Consider HAPC examples from other regions
- Assemble spatial data, literature
- Consult with experts, e.g., on passive acoustic monitoring work
- Draft spatial boundary alternatives
- Review alternatives and other information with Habitat Committee

Northern Edge Habitat Management

- **OHA2 (final action 2015, implementation 2018)**
 - Recommended new habitat and groundfish management for Northern Edge but changes were not approved
 - OHA2 didn't fully specify frequency, intensity of fishing that would be allowed on Northern Edge and NOAA couldn't determine how the measures would minimize adverse impact to habitat
- **2021**
 - Priority to determine whether to move forward with a habitat management action for region
 - PDT drafted a white paper to inform this discussion
- **Today**
 - Review white paper contents and findings
 - Provide recommendations for short term refinements to the white paper, if any
 - No action required

Purpose of white paper

- Summarize new information related to minimization of adverse effects on habitat
- Does this information support different conclusions than reached during OHA2 about minimization of adverse effects?



Other information included in white paper

- Background on spatial management, including OHA2 Final Rule and partial approval
- Synopsis of recent fishing gear effects literature
- Summary of key fishery issues, i.e., fishing effort/revenue, management, biological considerations

Appendices

- Northern Edge EFH designations
- Habitat conditions on the Northern Edge
- Functional role of habitats for managed species
- More detailed fishing effort overview
- More detailed summary of recent fishing gear effects literature
- More detailed exploration of FMP-specific considerations

Conclusions

- New information does not invalidate or suggest different OHA2 conclusions regarding the adverse effects of fishing on EFH
- More sensitive habitats with fragile, structure-forming and slow growing species frequently disturbed will have lower recovery rates (consistent with updated literature review, prior syntheses)
 - Need further research to examine recovery at longer time intervals to inform potential rotational fishing access
 - Need to allow sufficient time for habitat recovery while minimizing loss of habitat value to managed species
- For any new habitat management approach, will need to:
 - Consider regional fishing activity, stock status
 - Identify and evaluate tradeoffs between species productivity, habitat conservation, and effects on fisheries/fishing fleets

Support for Conclusions

Fishing Effects Northeast Model (consistent with prior Swept Area Seabed Impact approach)

- Bottom trawling has greatest habitat disturbance/time because of larger footprint relative to other gears
- Structure-forming biological features in gravel substrates are generally more vulnerable habitat; organisms are longer-lived, with longer recovery times following impact than in sand or mud substrates

Research Set Aside Projects

- Note that two RSA studies evaluated have contrasting results, but are difficult to compare because of different study designs
- *Harris, et al. 2014* Effects of mobile fishing gear on geological, biological structure in GB closed, open areas
 - No consistent evidence that impact (fishing) had greater habitat damage than reserve (closed) site
 - Species richness and diversity similar in impact, reserve sites

Support for Conclusions

Research Set Aside Projects, continued

- *Gallager, et al. 2016 (additional analysis 2021)* Impact of dredge disturbance on habitat recovery by substrate in HMAs on Northern Edge
 - Main findings from Before-After-Control-Impact design:
 - Type of habitat strongly influenced magnitude, duration of impact from dredging; high epifauna habitat and fragile, structure-forming species remained significantly less abundant after 22 months post-impact
 - Species richness and biodiversity at high epifauna sites significantly reduced and did not fully recover after 2 yrs; at low epifauna sites, species richness decreased (not sig.), biodiversity sig. decreased but largely recovered after 2 yrs

Council activities

- **Recent**

- Participated in Dec 20 ROSA meeting ([materials](#))
- Commented on RFI Guidance for Mitigating Impacts to Commercial, Recreational Fisheries (Jan 7)
- Participated in Jan 20-21 fisheries survey mitigation workshop

- **Near-term**

- Comment on wind area planning in Central Atlantic and scoping/initiation of EIS process - 3 projects?
- Work w/ NMFS staff on habitat monitoring recommendations (ongoing, into spring)

- **Summer 2022**

- Comment on DEIS documents for 7 projects (?) – most July-September; 1 in May; 1 in Dec

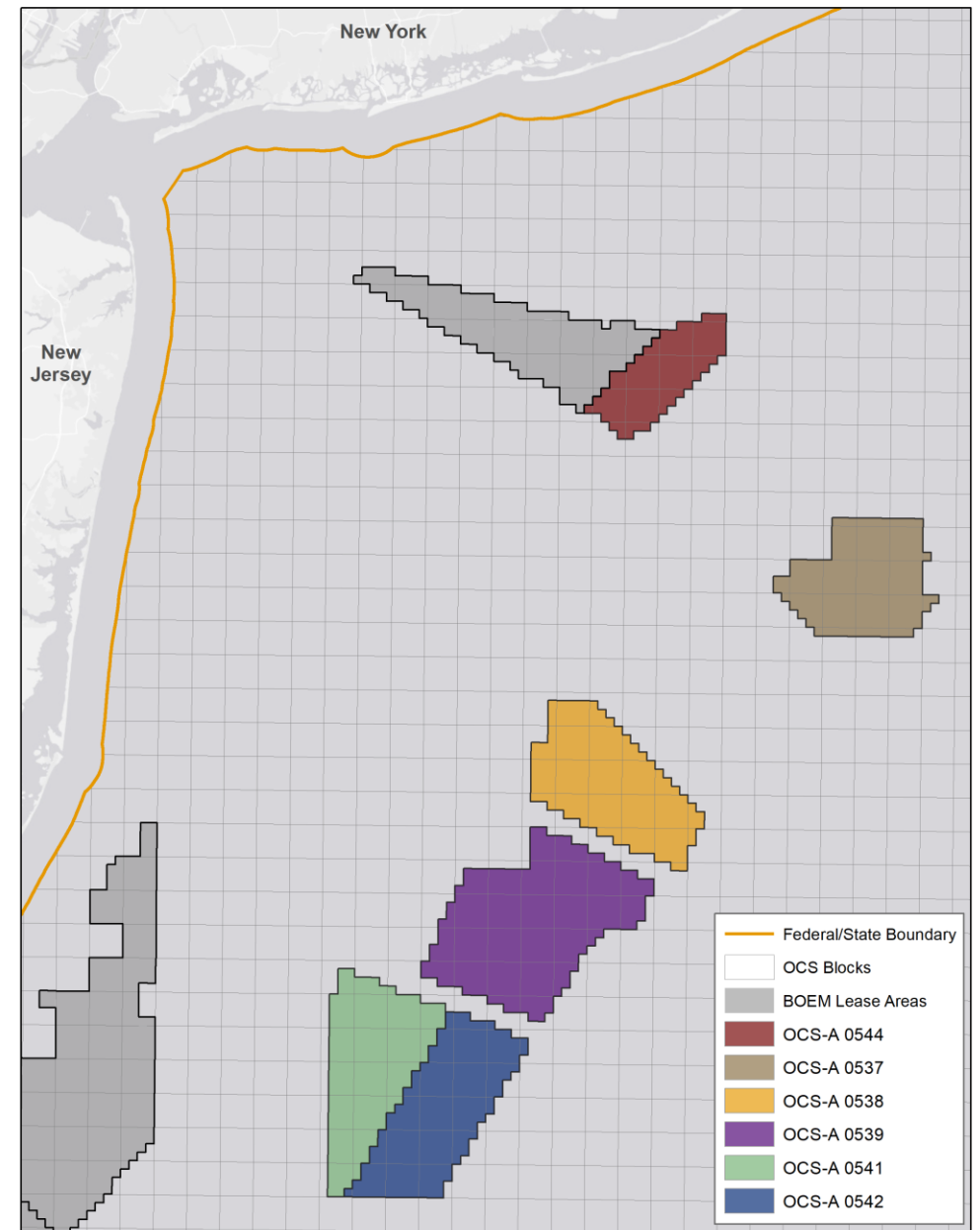
- **Throughout 2022**

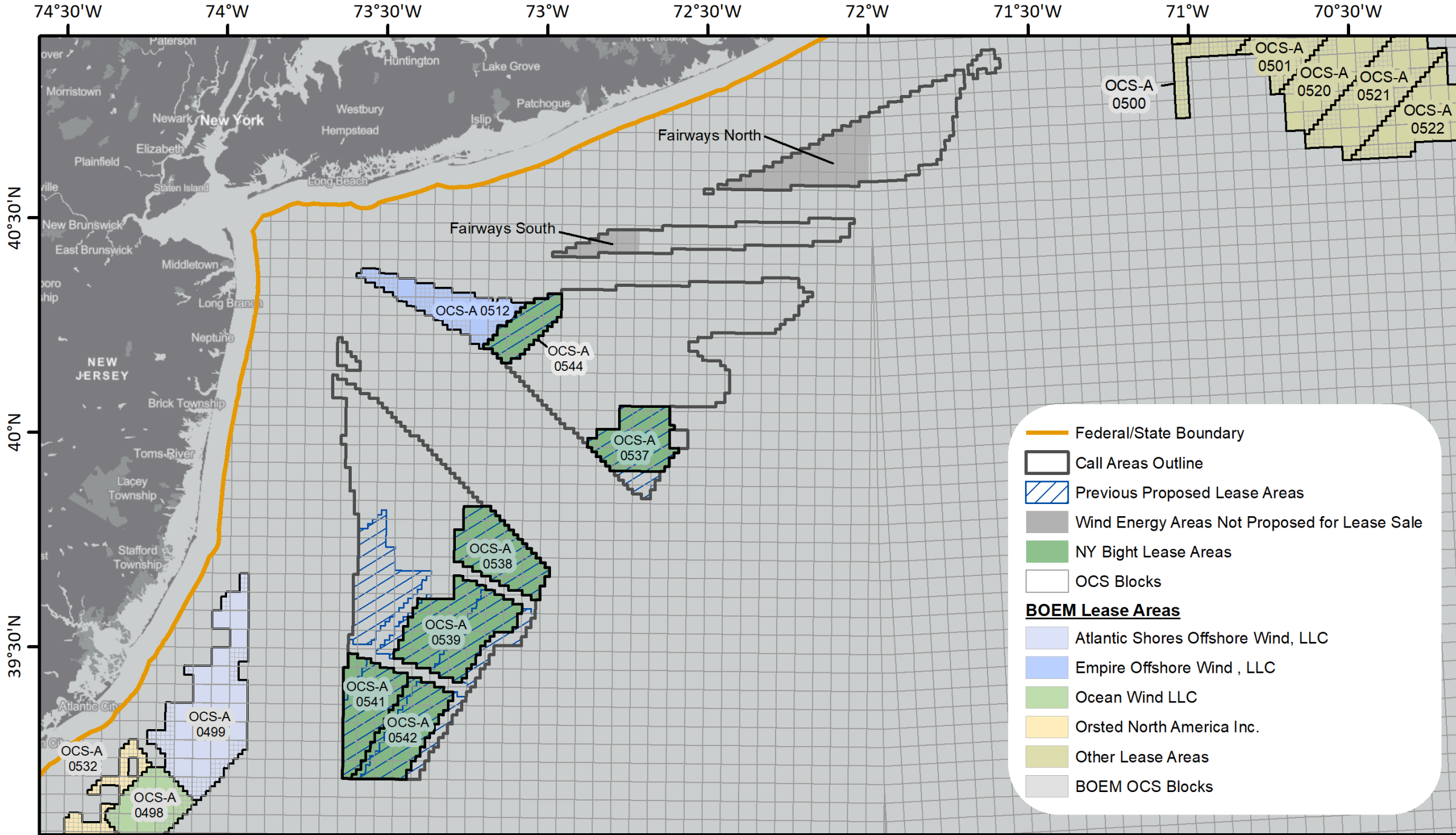
- Atlantic, GOM leasing/planning (taskforce meetings, etc.)
- Continue to track ongoing mitigation discussions
- Second Synthesis of the Science workshop
- Participate in ROSA meetings/workgroups







NY Bight Final Sale Notice

Notice published Jan. 12







- Auction on Feb. 23rd for >480,000 acres in NY Bight – 1st auction under Biden Admin.
- 6 lease areas: 5.6-7 GW
- Main changes since last iteration:
 - 4 southernmost areas shifted a few miles west,
 - Removed leases 0543 and 0544
 - Size of lease 0537 reduced (near mudhole/Texas Tower),
 - Coordinated transmission considered,
 - 2 common lines of orientation across adjacent leases or a 1 nm setback



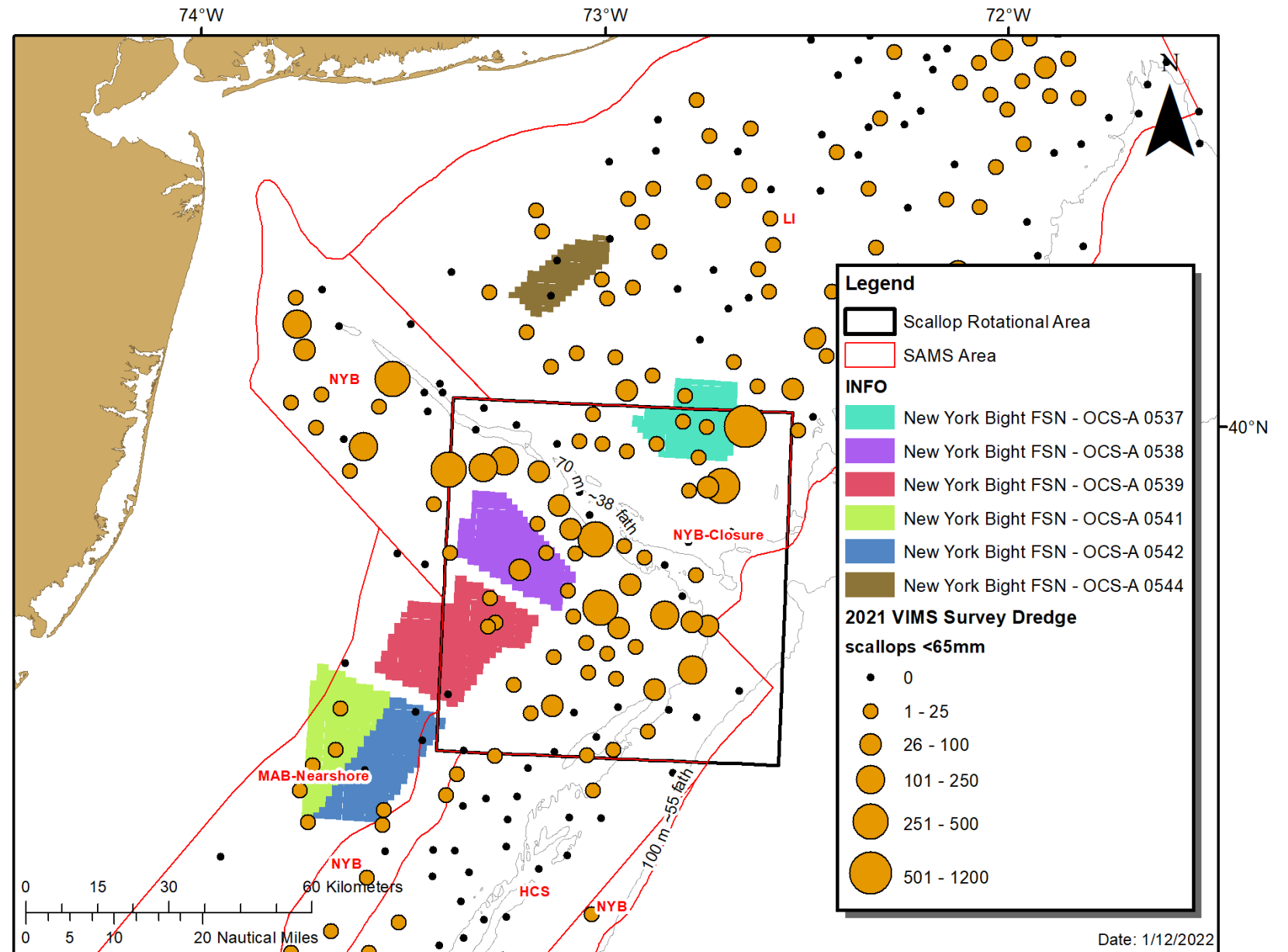


-  Federal/State Boundary
-  Call Areas Outline
-  Previous Proposed Lease Areas
-  Wind Energy Areas Not Proposed for Lease Sale
-  NY Bight Lease Areas
-  OCS Blocks

BOEM Lease Areas

-  Atlantic Shores Offshore Wind, LLC
-  Empire Offshore Wind, LLC
-  Ocean Wind LLC
-  Orsted North America Inc.
-  Other Lease Areas
-  BOEM OCS Blocks

Overlap of final NY Bight lease areas and scallop catch in 2021 survey



BOEM / NOAA MOU

- Announced Jan. 12
- “To advance wind energy while protecting biodiversity and promoting cooperative ocean use”
- Includes commitments to:
 - Use the best-available science
 - Improve the efficiency of environmental review and authorization
 - Collaborate on research, planning, and regulatory mechanisms
 - Collaborate on surveying, spatial modeling, mapping, oceanographic assessments, and characterization of ocean regions
 - Communicate and engage throughout all phases of offshore wind planning, leasing and permitting process

Survey Simulation Experimentation and Evaluation Project (SSEEP)

- Two-year project started July 2021
- PIs Gavin Fay, SMAST; Andy Lipsky and Phil Politis NEFSC
- Part of a long-term initiative to consider OSW impacts on surveys
- Develop a spatially explicit simulation tool that can emulate NMFS fishery-independent surveys
- Use as a lab to test the performance of alternate sampling / survey design strategies under change
- Guided by a series of stakeholder workshops and engagement with other working groups to develop:
 - Questions to be answered
 - Scenarios for mechanisms underlying change
- First workshop on January 20-21; second workshop planned for February

SSEEP Objectives

Identify the effects and impacts from offshore wind energy development on the Northeast Fisheries Science Center Bottom Trawl Survey and the survey's data products.

Prioritize approaches for simulation modeling to analyze impacts on the Northeast Fisheries Science Center Bottom Trawl Survey performance and the provision of scientific advice.

Gulf of Maine Offshore Wind

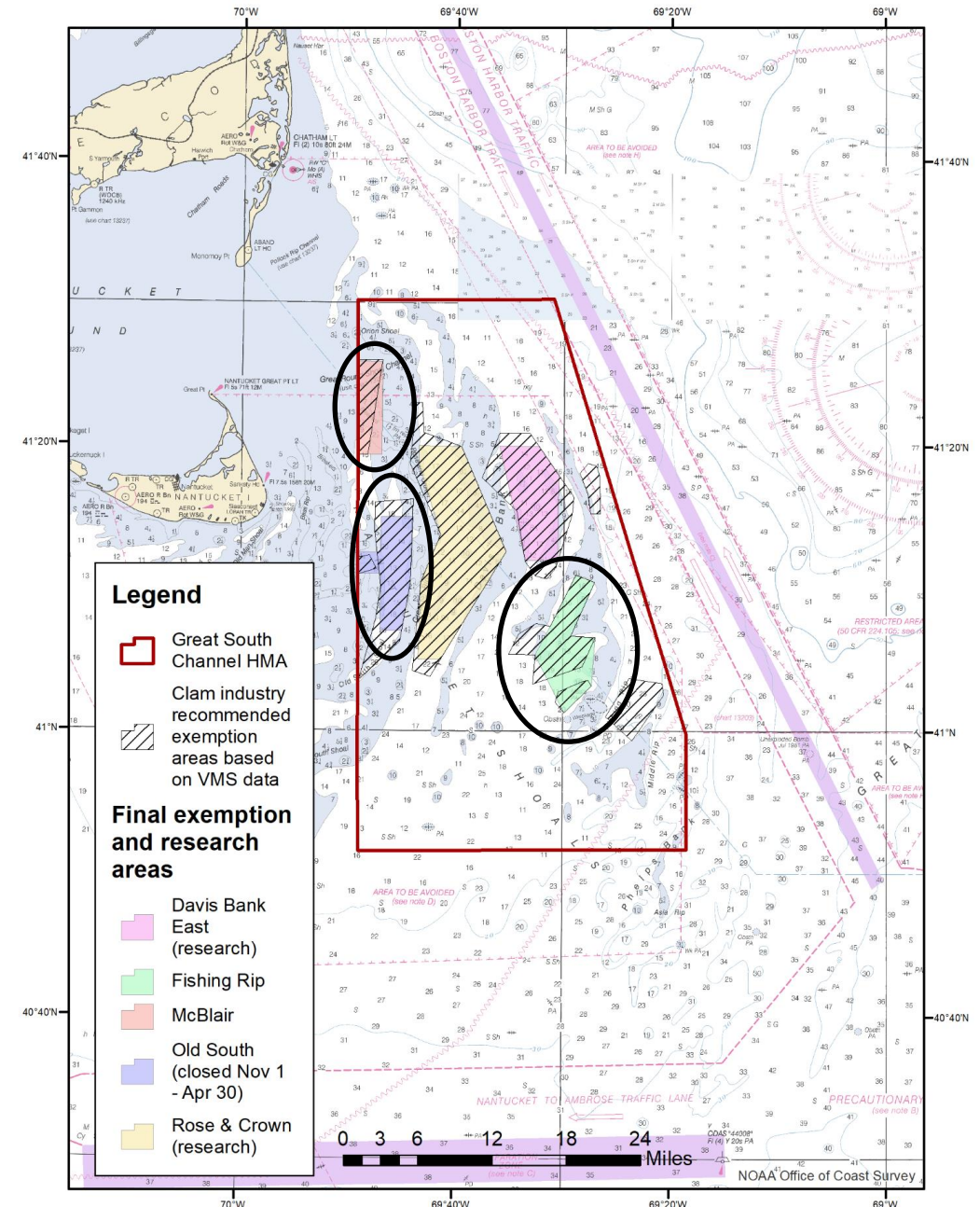
- Letter from states: [Gulf of Maine States BOEM Environmental Studies Letter Jan 2022.pdf](#)
- Concern: lack of critical baseline research and studies
- Requests:
 1. Prioritization of the Ecological Baseline Study → targeted benthic habitat surveys
 2. Comprehensive marine mammal and wildlife study → right whale critical habitat, avian data gaps, additional fisheries data
 3. Socio-economic impact analysis → for all existing ocean users
 4. Cumulative impact assessment for development of offshore wind in Gulf of Maine → including natural resources, existing uses, industries, and people

Great South Channel HMA history

- 2004: Work begins on Omnibus Essential Fish Habitat Amendment 2 (OHA2)
- 2014: MAFMC sent initial letter requesting NEFMC consider clam access areas in the GSCHMA
- 2015 (April/June): Council takes final action on OHA2, recommending a 1-year exemption for clam fishery from MBTG closure
- 2015 (Sep): Initiate framework to address clam and mussel dredge exemptions
- 2018 (April): NOAA implements OHA2 with 1-year exemption
- 2018 (Dec): Final action on framework
- 2019 (Jul): Framework final submission
- 2020 (June): Exemption areas implemented

Clam Framework outcomes

- Council selected five areas
 - Three exemption areas (McBlair, Old South, Fishing Rip)
 - Two research only areas (Rose and Crown, Davis Bank East)
- Included many of the clam industry recommended areas
 - Based on VMS data
 - Modified for enforceability
- Excluded other areas based on habitat types and fish habitat use (e.g., cod spawning)



Great South Channel HMA - EFPs

- Coonamessett Farm Foundation (CFF) applied for an EFP in 2019; NOAA [requested comments via Federal Register](#) January 2020, Council submitted comments in February 2020 (see [here](#), p. 29)
- EFP for project, as modified, approved May 2020 for one year; August 2021 extended for additional 6 months
- PDT received a progress report Dec 2020, discussed Jan 2021 ([summary](#))
- CFF has since applied for two additional EFPs, one a direct extension of the first project and a second related project
- NMFS rejected these two projects in May and Nov 2021 (see [here](#), p. 246, and [here](#), p. 14)

Recent discussions

- Surfclam industry concerned over economic viability in 3 exemption areas
 - → Requesting emergency action
- NEFMC/MAFMC leadership meeting on January 14
 - Briefed on history of closure, and upcoming meetings (notified surfclam industry members of these meetings)
 - Noted that clarification on surfclam industry's request would be helpful – which areas/seasons, etc.
 - See clam framework for range of alternatives analyzed: <https://www.nefmc.org/library/clam-dredge-framework>
- Industry members shared concerns with the Habitat Committee on January 18

For today

- Opportunity for Council members to ask questions about the presentation and recent discussions
- Potentially request emergency action to provide access to additional areas of the HMA