

# Habitat Report

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**NEFMC  
December 7, 2021  
Via Webinar**



# Wind Energy Policy Timeline

- Policy written by MAFMC 2016, adopted by NEFMC 2018
- Council identified review as 2021 priority (October 2020)
- PDT subgroup drafted updates (July-August 2021)
- PDT review (September)
- NEFMC Habitat Committee and Advisory Panel reviewed changes and suggested revisions; Committee forwarded to Council for approval (October 26)
- MAFMC Ecosystem and Ocean Planning Advisory Panel and Committee discussion/revisions (November 18 and 29; summaries will be in [MAFMC briefing book](#))
- **NEFMC review, revisions, and approval (today)**
- Opportunity for MAFMC approval (December 13)

# A few things to keep in mind...

- Council and staff can reference policy and apply findings when commenting on offshore wind issues; idea is to engage early in the development process
- Current policy still relevant; revision expands upon the existing document
- Will complement cable policy, which was written to encompass both telecommunication and electrical cabling issues
- Fish, fish habitat, and fisheries focus; protected species and wildlife not considered. Fish = managed species = fishes and invertebrates.
- Language is intended to be relatively specific/detailed, but broad enough to remain relevant for the next few years
- Research priorities and specific recommendations for science and monitoring will continue to be identified by NEFMC and other entities outside this policy; recommendations here are more general

# Policy Goal

- The Council supports efforts to mitigate the effects of climate change, including the development of renewable energy projects, provided risks to the health of marine ecosystems, ecologically and economically sustainable fisheries, and ocean habitats are avoided. To the extent that impacts cannot be avoided, they should be minimized, mitigated, or compensated for.

# BMPs and Stakeholder Engagement

- Includes a specific list of entities for outreach purposes
  - ROSA called out specifically amongst NGOs due to Council membership in the organization
- Engagement should focus on shared problem identification, option generation, problem solving, and move beyond only information sharing and communication as its primary purpose and intent
- BOEM and developers should communicate in a timely manner how comments from the regional fishery management councils and other stakeholders were considered, as well as the impacts of those comments.

# Project Siting and Environmental Review

- Use NOAA Fisheries Recommendations for Mapping Fish Habitat
- Habitat that surveys should be conducted throughout the project
- Avoid siting structures in complex habitats
- Lists considerations for analysis of impacts to fish and their habitats
- Environmental Impact Statements should include alternatives designed to minimize impacts on habitats and fisheries
- Encourages precautionary decision making when concerns are identified based on ongoing research

# Construction and Operations

- Remove electrical cables during decommissioning
- Scour materials should be selected based on value to fishery species, and mimic adjacent natural habitats
- Minimize boulder relocation and clearly document when relocation is necessary
- Noise from all sources should be minimized
- Impacts of in-water activities on spawning or settlement should be avoided or minimized
- Evaluate/minimize water entrainment impacts
- Consider using fishing community resources for construction and operations.



*Credit: Bas Köhler*

# Navigation and safety

- Supports turbine and transit lane arrangement and spacing that will reduce impacts to fishing vessel navigation
  - Should be coordinated across projects and developed in consultation with fishermen
- Clearly mark in-water structures associated with floating projects



*Credit: MITAGS*



# Research and Monitoring

- Should be done at project-specific and regional scales, before, during, and after construction to understand cumulative effects on habitats and ecosystems
- Coordinate of habitat, geological and geophysical, and fisheries surveys across projects, both prior to and during construction, and for ongoing monitoring
- Consider the impacts of research/monitoring on fisheries
- Should be consistent with guidelines and recommendations from ROSA and NOAA Fisheries
- Monitoring and research data should be made available to public on a timely and regular basis
- Consider using fishing community resources for research and monitoring

# Compensation and Mitigation

- Supports creation of fisheries development and research fund
  - For example, to facilitate development of new fisheries or fishing techniques or enhance existing fisheries
- Recommends identifying and mitigating impacts to fishery-independent monitoring surveys

# Status of 2021 Work

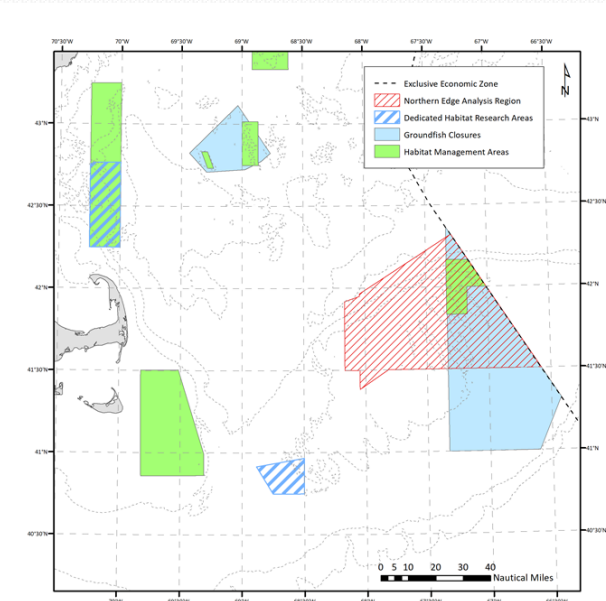
- Aquaculture coordination plan – completed in April, living document
- Northern Edge – white paper in progress
- Policy updates – Council approval of updated wind energy policy planned for today
- OSW activities (ROSA, etc.) – ongoing
- OSW comment letters – ongoing; prepared scoping comments for nine projects this year
- Northeast Regional Habitat Assessment – ongoing; expect to wrap up July 2022. NHRA-HCVA contract underway. NHRA Steering Committee meets next month
- ASMFC Habitat Committee – meets 2x annually; limited amount of intersessional work
- Stellwagen Sanctuary Advisory Council – ongoing coordination via SAC meetings and work groups (note - habitat staff no longer tasked with this)
- Habitat support for other FMPs – groundfish, scallop, herring, whiting

# 2022 Work Priorities

- Regional collaboration on fisheries habitat and non-fishing issues: ROSA, other wind partners; aquaculture engagement, ASMFC Habitat Committee; Northeast Regional Habitat Assessment; develop comments on non-fishing activities
- Fishery management actions: Northern Edge; HAPC designation in SNE; Salmon Aquaculture; routine NEPA analysis for our FMPs
- The Committee and Advisory Panel recommended that the Council consider adopting all habitat-related 2022 work priorities during its December meeting, while considering resource and time constraints
- Some Committee/AP members felt that fishery management actions should be prioritized over engagement on non-fishing issues including offshore wind, while others emphasized the importance of working on offshore wind issues

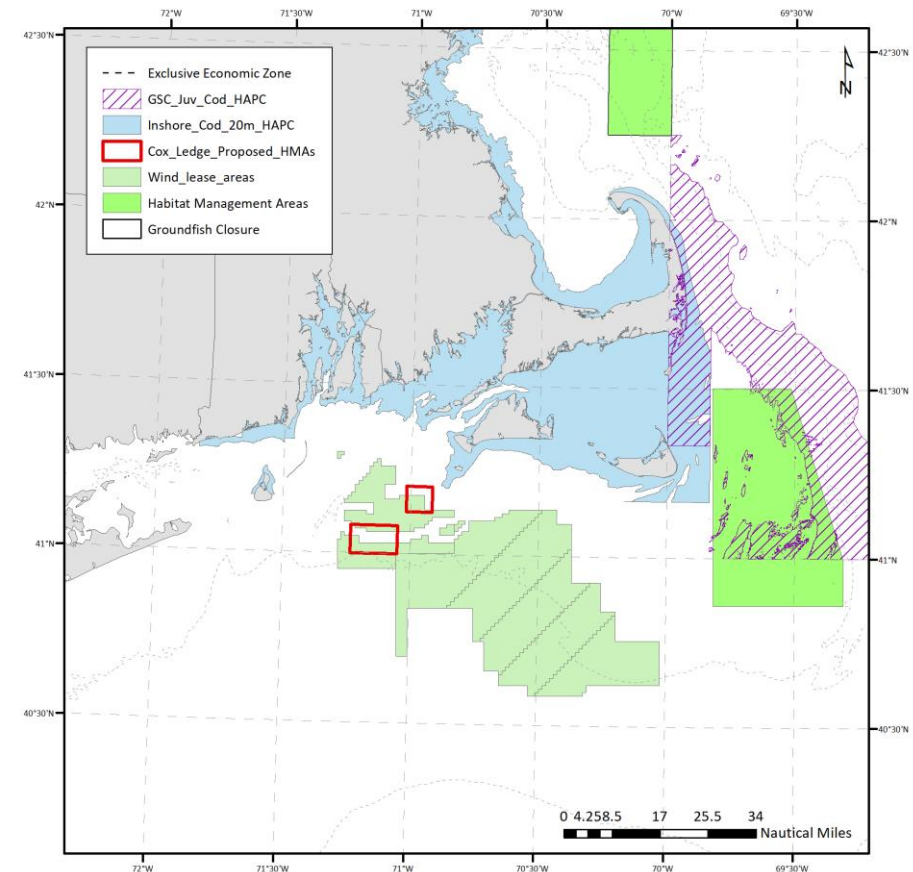
# Northern Edge Habitat Management

- Multi-year priority: Assess the possibility of and, if possible, develop an action to revise HMAs on the Northern Edge of Georges Bank
- PDT met on June 15, September 20, and October 25; compiling information to provide background and support decision-making
  - Requested and received report on follow-up work to 2016 RSA study NA16NMF4540045, Impact of Disturbance on Habitat Recovery in Habitat Management Areas on the Northern Edge of Georges Bank by Scott Gallager, et al.
  - Summarized recent literature on gear effects
- PDT currently working to finalize report to Committee for review at their next meeting
  - Committee could then ask for more information from the PDT, recommend that the Council initiate a habitat management action, or recommend against initiating an action



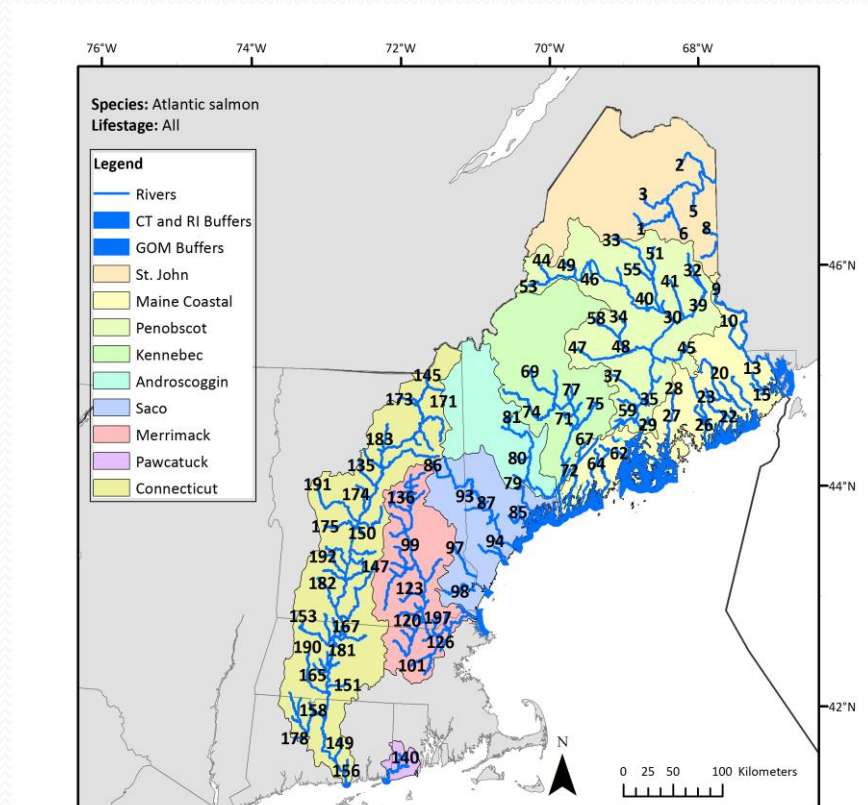
# Action to designate HAPC in SNE

- HAPCs are areas of focus for EFH consultations
- NEFMC approved Cox Ledge HMA in OHA2; not approved by NOAA due to fishing restrictions proposed by Council
- New information about cod spawning activity and distribution of complex habitat
- Impacts on cod spawning and juveniles are of ongoing concern due to overlap with wind energy lease areas



# Action to facilitate salmon aquaculture

- Atlantic Salmon [FMP](#), [regulations](#)
  - NEFMC may initiate action to allow for Atlantic salmon aquaculture projects in the EEZ, provided such an action is consistent with the goals and objectives of the Atlantic Salmon FMP
- Considerations
  - Timing in relation to EIS for Blue Water Fisheries project
    - NOAA is the lead agency on the EIS; they will select a contractor and publish an NOI next year
  - Type of NEPA analysis required
  - General or project-specific authorization
  - What happens if the Council does not develop an action?



# Forthcoming comment opportunities

- BOEM RFI – Guidance to mitigate impacts to commercial and recreational fisheries from OSW energy development
  - Notice available [here](#); comments are due January 7
- Amitie telecommunications cable project
  - The planned trans-Atlantic route goes from Lynn, MA to England and France, crossing the Western Gulf of Maine Closure Area
  - NMFS has requested an expanded EFH consultation
  - NMFS is awaiting additional information to support the EFH consultation and then will have 60 days to respond, so if we wish to comment we should do so during December or January
  - Concerns about impacts to hard bottom and complex habitats on Jeffreys Ledge, in the WGOMCA

