



New England Fishery Management Council

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MEETING SUMMARY

Habitat AP and Committee

May 10, 2021

9:00-12:30 pm

Via Webinar

The Habitat Committee and Advisory Panel (AP) and met jointly on May 10, 2021 via webinar to discuss offshore renewable energy development, including presentations from various fishery liaisons, updates on the potential Northern Edge habitat management action, updates on regional aquaculture issues, habitat-related Council research priorities, and to receive other updates.

MEETING ATTENDANCE: Committee: Eric Reid (Committee Chair), Peter Aarrestad, Terry Alexander, Peter deFur (MAFMC), Libby Etrie, Peter Hughes (MAFMC), Scott Olszewski, John Quinn, Dan Salerno, and Melissa Smith; Advisory Panel: Chris McGuire (AP Chair), Gib Brogan, Beth Casoni, Rip Cunningham, Ben Haskell, Lane Johnston, Meghan Lapp, Elizabeth Marchetti, Drew Minkiewicz, Ron Smolowitz, and Dave Wallace. NEFMC staff: Michelle Bachman (Plan Development Team Chair), Jenny Couture, Rachel Feeney, and Janice Plante; NOAA GC: Mitch MacDonald; NOAA GARFO: Lou Chiarella, Moira Kelly, and Chris Schillaci. In addition, 5 Fishery Liaisons from offshore wind developers and approximately 19 members of the public attended, including other members from the offshore wind industry and PDT members.

KEY OUTCOMES:

- Members received presentations from Fisheries Liaisons from Vineyard Wind, Equinor, Ørsted, and Mayflower Wind on surveys and fisheries outreach work.
- Members received updates on various topics including offshore wind comment letters, potential changes to the Council's Wind Energy Policy, a potential Northern Edge Habitat Management Area action, aquaculture, and Council research priorities.
- The AP and Committee were also briefed on the Northeast Regional Habitat Assessment, regional ocean planning activities, and the status of 2021 work priorities.

AGENDA ITEM #1: UPDATES ON OFFSHORE WIND

Presentations

Fishery Liaisons from Vineyard Wind, Equinor, Ørsted, and Mayflower Wind summarized science and survey activities at the wind energy lease sites in the southern New England region including pre- and post-construction biological monitoring surveys (study objectives, design,

schedule, opportunities for fishermen) and geotechnical and geophysical surveys. They also provided general updates on ongoing projects (size and capacity of turbines, permitting status, cable routing, etc.), and described outreach to local coastal communities through port visits, online informational newsletters, online surveys, etc. Generally, the wind developers are at varying stages of the permitting process, monitoring surveys, and stakeholder outreach.

Discussion

Several members of the AP, Committee, and the public raised similar questions and concerns in response to multiple presentations, thus, the feedback will be condensed and summarized in aggregate here.

One issue that arose frequently was the question of how to respond to unanticipated severe impacts from construction and operation of wind turbines, which is related both to the potential need for mitigation should impacts occur, and to adaptive management to avoid similar issues with future projects. If/when this occurs, the plan is to discuss mitigation strategies with regulatory agencies (impacts to eelgrass was noted as an example which could require mitigation). Hopefully, there will be enough time between projects to apply lessons learned, and a commitment to doing so. Mitigation funds are being set aside for the fishing industry as impacts arise. One Advisor noted the need to go beyond financial compensation for direct losses, given there will likely be significant impacts to the fishing industry. For example, funding to support seafood marketing, fisheries development, permit banks, permit buyouts, etc., to provide alternative options for the fishing industry.

Wind developers are conducting before-and-after-control-impact (BACI) or before-after-gradient (BAG) studies for biological monitoring pre-and post-construction. Several meeting attendees expressed concern over the lack of control areas, more specifically the lack of survey tows outside the lease areas. Given the vast extent of the southern New England lease areas, and the need for control areas to have similar depth and other characteristics, identifying appropriate control areas has been a challenge. Given high costs of planned surveys, developers indicated that there is limited ability to substantially expand survey work beyond what is currently proposed. A couple of wind developers did comment that their survey designs accounted for the ability to tow gear once wind farms are built, though discussions around how to sample changes in biomass for species that aggregate towards the turbines are ongoing. Hardbottom areas and areas close to the turbines will be difficult to sample, especially with otter trawl gear. Beam trawls and fish pots may be part of the solution. One Advisor repeatedly expressed concern over lack of surveys outside the lease areas given squid will likely be negatively impacted by noise pollution during project installation and will go unsampled. One wind developer noted that this impact can be discussed with SMAST during an upcoming survey review meeting in early June. Meeting participants also expressed support for coordinated monitoring surveys across projects to better understand regional impacts from offshore wind development.

AP and Committee members inquired whether and how survey data and results will be shared to the broader fishing and scientific community. Some developers already have survey data reports available on their respective websites (e.g., Vineyard Wind) and plan on making the data publicly available moving forward. Ørsted and NOAA Fisheries recently signed a data sharing memorandum of agreement.

Several members asked about designing biological monitoring surveys for *Calanus spp.* and other zooplankton and forage species, as this is an important food source in the region for the highly endangered North Atlantic Right Whale. One wind developer noted the various temporal and geographic restrictions on construction given the critical forage habitat for this endangered species. There are ongoing discussions by some wind developers to address this issue through expansion of existing zooplankton surveys, but nothing definitive has been decided.

Another point of discussion focused on cable routes and cable burial. It was noted that cables must lay in separate trenches and be a certain distance apart but can remain in the same cable corridor. For AC transmission, a single cable can support around 400 MW, such that two adjacent cables would be required for an 800 MW project. The Council has previously expressed support for running multiple cables through the same corridor to minimize the area impacted or where fishing gear/cable interactions might occur. Several advisors and Committee members strongly advocated for coordination between the developers (and BOEM) to use the same cable corridors across multiple projects. In at least one case, cables from separate projects are planned to cross one another; the intent would be to bury the overlaying cable 4-6 feet below the seabed surface. There were concerns that cable exposure could occur from the strong tides in the region, particularly in Muskeget Channel.

The group discussed the Beacon Wind (Equinor) export cable route at length. Some members of the AP, Committee, and the public were not sufficiently aware of the extensive cable route of the Beacon Wind project despite the developer's outreach thus far. Several meeting attendees requested more information from the wind developer on the outreach that has been done thus far; while details about who the developer has already met with cannot be provided for confidentiality reasons, their Fishery Liaisons indicated that they could follow up regarding the number of individuals they have met with. Beacon Wind is planning on additional consultations with more stakeholders and noted that the relationship building is an iterative process, and that they had already made some adjustments to the cable route. Meeting participants strongly urged shortening the cable route to have a more cost efficient and less impactful design. Beacon Wind Fishery Liaisons noted that the proposed cable route to Astoria, Queens based off an extensive study conducted by Equinor. Members recommended that charts of potential cable routes be distributed widely to ensure that there is broad awareness of proposals and opportunity to comment.

Public Comment:

James Fletcher (United National Fishermen's Association) – commented that in England and Scotland, elasmobranchs are shown to aggregate along the wind turbine cables and bacteria also have an affinity for electromagnetic fields. He also inquired why windmills cannot be placed on land.

Presentation

Ms. Bachman briefly update the AP and Committee on other offshore wind topics including recently submitted joint comment letters with MAFMC on Ocean Wind (NOI to prepare an EIS) and New York Bight Wind Energy Areas. The group discussed an upcoming comment letter on Revolution Wind, and letters on additional projects will be prepared as NOIs are published. The

Responsible Offshore Science Alliance (ROSA) is holding a strategic planning discussion with the Council and other stakeholders and there are also broader discussions of the Councils' role(s) in offshore wind including by the Council Coordination Committee (CCC) and during an upcoming MREP educational workshop. Ms. Bachman then listed some potential updates to the Council's Renewable Energy Policy with the goal of reviewing information and any policy changes with the AP and the Committee followed by Council approval by the end of 2021.

Ms. Bachman briefly discussed the Revolution Wind comment letter, which is due June 1. The draft comment letter is not yet complete and staff are hoping to receive feedback from the AP and Committee and review the document later this month.

Discussion

A Committee member asked whether the Councils' comment letters for proposed lease areas are affecting positive change. Ms. Bachman noted that staff think these comment letters are worthwhile and help amplify GARFO's concerns as well, but that it is hard to know if we are moving the needle in a meaningful way. An AP member suggested highlighting the lack of surveys outside the wind energy areas and the lack of coordination of cable siting as issues to include in comment letters and/or within the Council's cable and wind energy policies. These members also suggested requiring natural materials for cables that cannot be buried, including at the cable splice areas, and reiterating recommendations for common cable corridors across projects.

AGENDA ITEM #2: UPDATES ON NORTHERN EDGE HABITAT MANAGEMENT

Presentation

Ms. Bachman updated the AP and Committee on recent and ongoing work for the potential habitat management action for the Northern Edge including the development of a white paper and evaluation of the Gallagher, et al. Research Set-Aside (RSA) Before-After-Control-Impact study. The PDT will continue to refine the white paper outline, assemble information, and begin writing sections with ongoing check-ins with AP and Committee members.

Discussion

A Committee member requested a link to Dr. Gallagher's presentation (Ms. Bachman sent one following the meeting) and guidance from the PDT on what the future of fishing could look like in the Northern Edge (e.g., frequency, intensity of fishing, etc.). Dr. Gallagher's study was not designed to replicate a commercial fishery, however, there is a sense of impacts and recovery that could be used to inform this potential management action. Ms. Bachman indicated that the PDT would do their best to provide this sort of guidance.

AGENDA ITEM #3: UPDATES ON AQUACULTURE

Presentation

Staff did not have much to report on aquaculture projects and Aquaculture Opportunity Area (AOA) updates. Updates on the Blue Water Fisheries project and AOAs will be discussed during the next AP/Committee meeting. Aquaculture will also be discussed during the next CCC meeting.

During the May 2021 RSA share day, two aquaculture-related projects were discussed: 1) Sea scallop aquaculture in coastal Maine, which focused on the opportunity, challenges, and role of science, and 2) Resource enhancement of the scallop fishery, primarily focused on mitigating unpredictable recruitment from changes in the oceanographic environment and human development.

Discussion

One Committee member expressed concern over how input on aquaculture projects from NOAA/NMFS and the Councils will be considered over the longer term, given the current President's Executive Order (EO) has more requirements on new aquaculture projects than previous and/or potentially future EOs. Lou Chiarella noted that the agency is still operating under the former administration's EO for seafood competitiveness, requiring NOAA to be the lead agency under NEPA for offshore aquaculture projects requiring an EIS. This effectively means NOAA has a fair amount of influence over the environmental review for these projects. Chris Schillaci (NOAA Regional Aquaculture Coordinator) noted that the EPA and the Army Corps of Engineers will participate in an upcoming NROC webinar to discuss the process of permitting aquaculture, including various roles and responsibilities of various federal agencies.

Mitch MacDonald (NOAA GC) noted that it is still unclear whether NMFS will view the aquaculture case in the Southeast Region as geographically limited and allow for Council regulation of aquaculture in other regions, or if the court decision will hold nationwide precedent.

A Committee member asked about the connection between Aquaculture Opportunity Areas (AOAs) and other ongoing and future aquaculture projects. Chris Schillaci noted that developers can proposed aquaculture projects in areas outside AOAs, however, there is some incentive to use the AOAs (once they are developed) given a lot of analysis and planning work has already been completed for those areas to streamline siting and development.

Public Comment:

- **James Fletcher (United National Fishermen's Association)** – inquired whether offshore ranch was synonymous with offshore aquaculture and if the change in terms would allow for aquaculture off the coast of North Carolina.

AGENDA ITEM #4: HABITAT-RELATED COUNCIL RESEARCH PRIORITIES

Ms. Bachman briefed the AP and Committee on the research priority setting directive and process and stepped through habitat-related priorities. These priorities focused on: Northeast Regional Habitat Assessment, Deep-Sea Coral Research and Technology Program, habitat mapping, and offshore wind and aquaculture development.

Discussion

One Committee member asked the feasibility of creating additional data sharing MOUs with other wind developers beyond Ørsted to have a more comprehensive data warehouse for use the cumulative effects analysis. Ms. Bachman noted that there seems to be a desire to see how the current MOU works before involving other wind developers, but that her understanding was that there appears to be interest from other developers in data sharing. The Committee agreed with

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the PDT's edits to the priorities and Ms. Bachman will provide them to Dr. Feeney for distribution to the SSC.

AGENDA ITEM #5: OTHER UPDATES

Ms. Bachman briefly discussed other updates including: 1) the Northeast Regional Habitat Assessment, where the teams are focused on single species and ensemble habitat suitability models with a plan to review model results later this year; 2) regional ocean planning where work on regional best practices continues and product updates on marine life data are in progress; 3) 2021 Council priorities. In progress and ongoing work priorities include potential Northern Edge habitat management area, renewable energy policy updates, offshore wind activities with ROSA, etc. along with writing comment letters for proposed projects, Northeast Regional Fish Habitat Assessment, along with other staff work that is ongoing.

Discussion

No questions or comments from the AP or Committee.

AGENDA ITEM #6: OTHER BUSINESS

No other business was discussed.

The Habitat Committee and AP meeting adjourned at approximately 12:30 p.m.