Staff Presentation

Michelle Bachman and Jennifer Couture
NEFMC staff

Habitat Committee Meeting
March 17, 2022
Via Webinar

New England
Fishery Management Council

HAPC in Southern New England

Problem statement

- A new Habitat Area of Particular Concern (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.

Objectives

1. Encompass locations and habitat features that are important to NEFMC-managed species, including coordinates that spatially bound the designation, and a list of habitat features, i.e., sediment types, associated structures, and/or prey species that are part of the designation.
2. Identify life history stages (e.g., juvenile, adult) or activities (e.g., feeding, spawning) that the HAPC supports.
3. Be more specific and focused than overlapping EFH designations so that the HAPC adds value to the EFH consultation process.
4. Support development of conservation recommendations that lead to improved groundfish spawning protection, including protection of localized spawning contingents or sub-populations of stocks (e.g., Atlantic cod).
5. Support development of conservation recommendations that lead to improved protection of critical groundfish habitats especially refuge for critical life history stages.
6. Support development of conservation recommendations that will avoid and minimize other impacts to fish habitats.

Alternatives

Action 1: Cod spawning HAPC

- Alt 1 (No Action)
- Alt 2 – focused
  - Option A: inside and outside wind leases
  - Option B: inside wind leases only
- Alt 3 – broader/more precautionary
  - Option A: inside and outside wind leases
  - Option B: inside wind leases only

Action 2: Multispecies HAPC

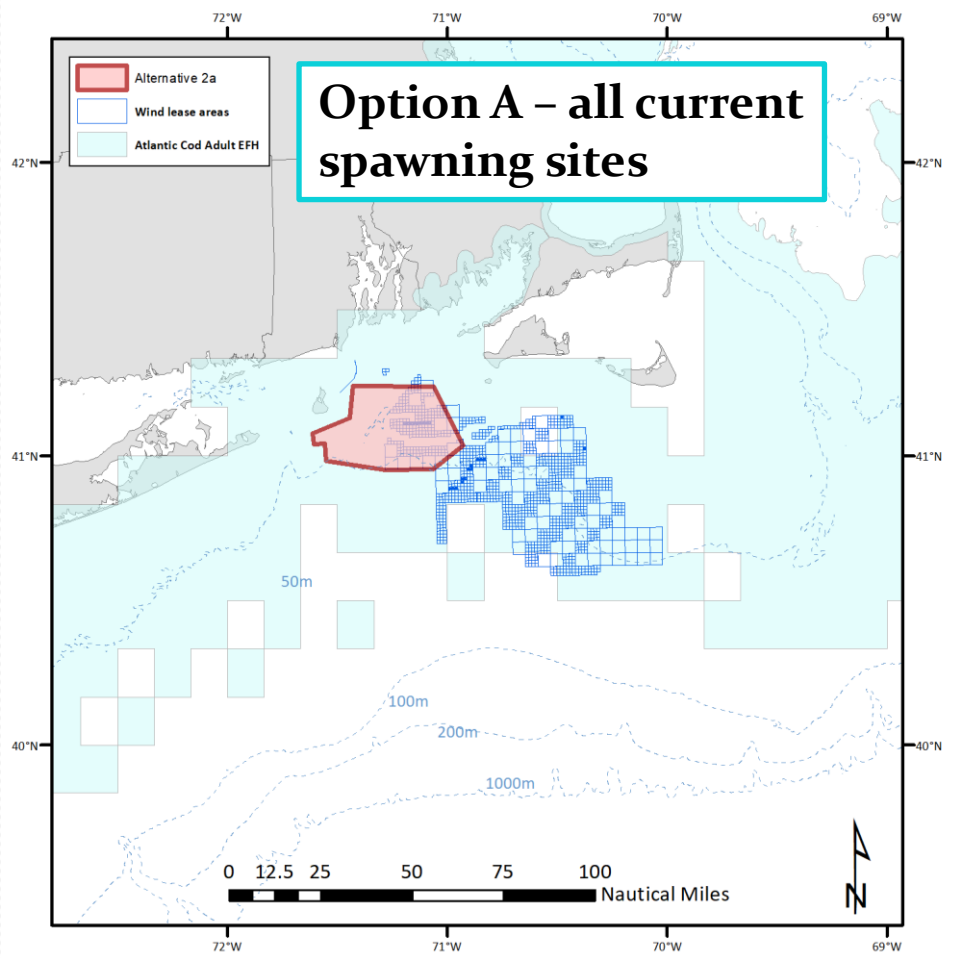
- Alt 1 (No Action)
- Alt 2 – area to protect habitat used by multiple species. Species covered and spatial distribution TBD; seeking input.

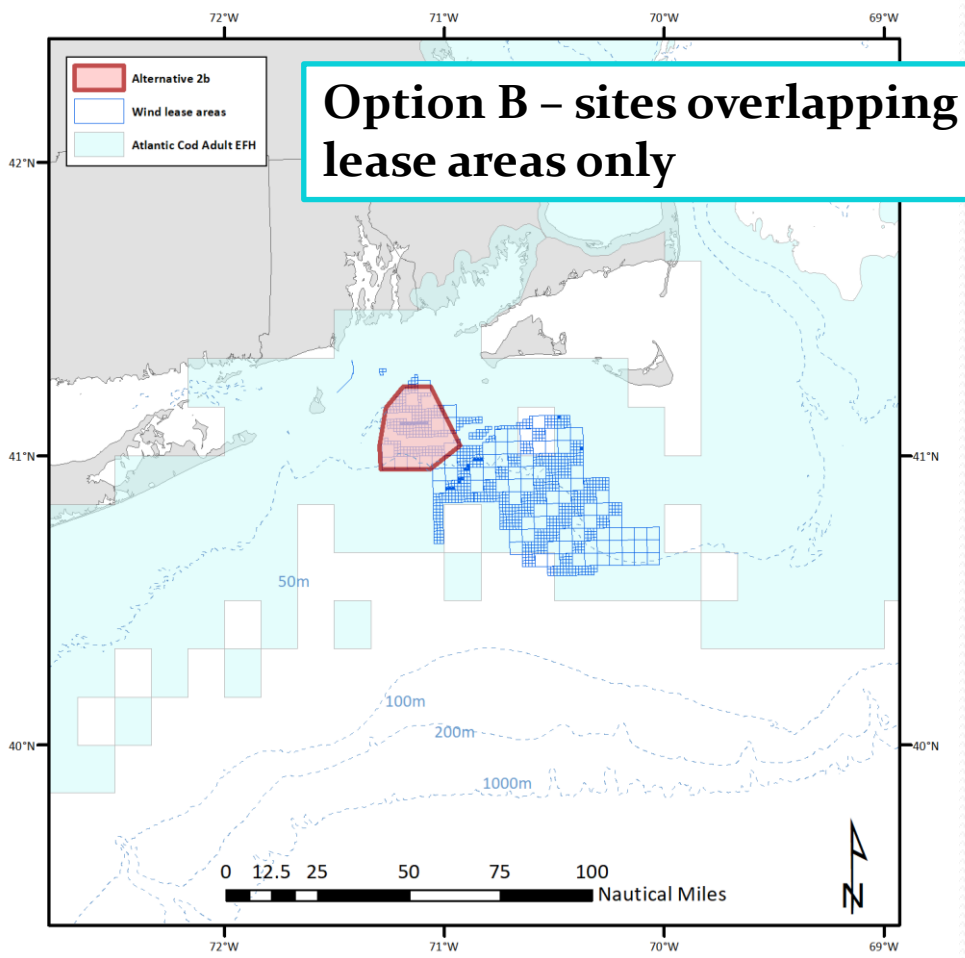
Action 1, Alternative 2

- This designation is a subset of Atlantic cod adult EFH in Southern New England. All areas where there is current evidence that Atlantic cod are spawning during peak spawning periods of November through **March*** are considered Habitat Areas of Particular Concern. Specifically, these known spawning aggregations include locations on and around Cox Ledge.
  - Option A includes all spawning sites.
  - Option B includes only those sites overlapping wind lease areas.

**Draft framework document distributed on Friday, March 11 said February, but evidence for November to March as being the peak spawning period, combining acoustic work with other tagging and fish condition data*

Action 1, Alternative 2

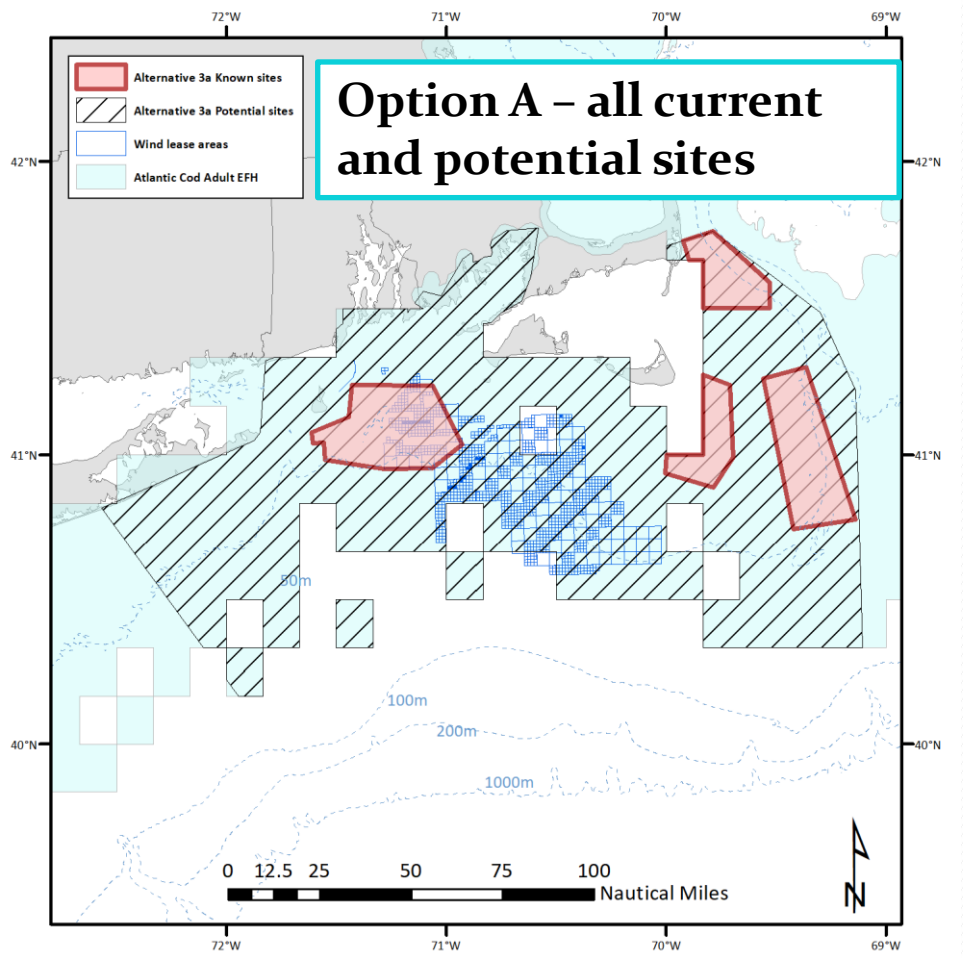


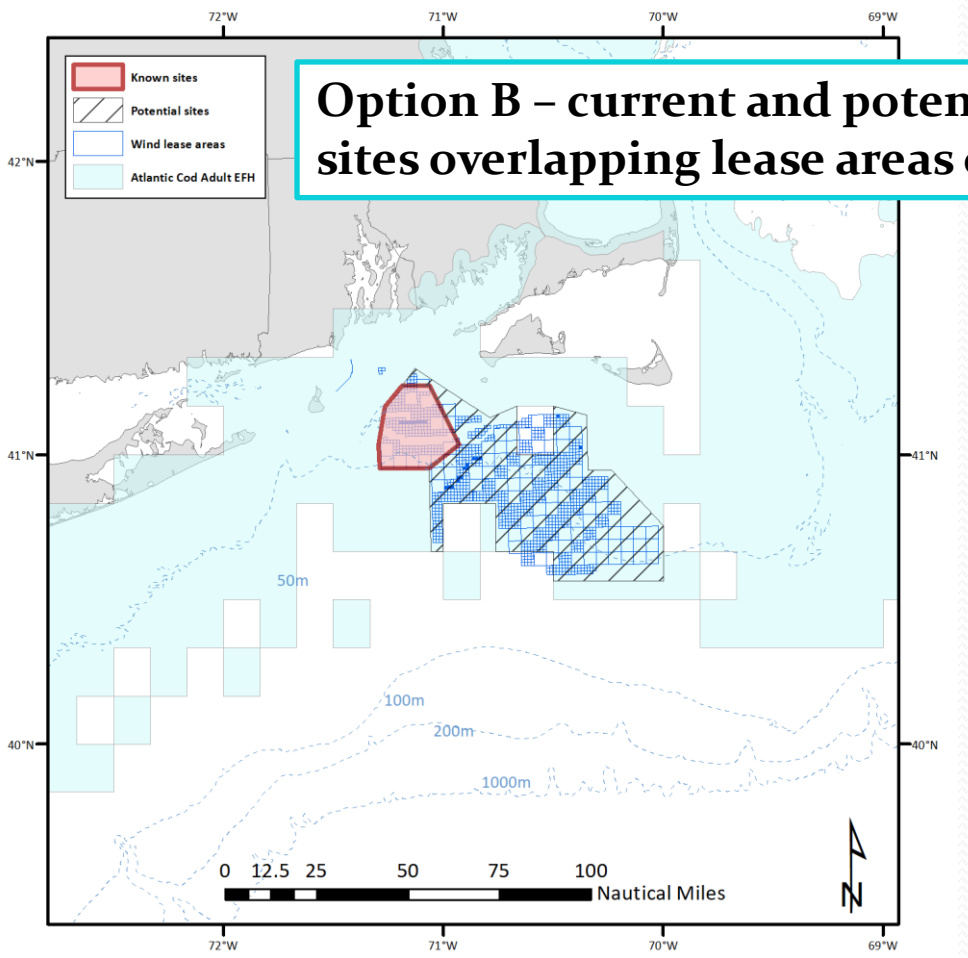


Action 1, Alternative 3

- Alternative 3 designates all areas in southern New England where Atlantic cod are currently spawning during peak spawning periods of November through **March***, plus areas where there is historical evidence of spawning, and any spawning areas identified in the future, as Habitat Areas of Particular Concern. Specifically, these known spawning areas include locations on and around Cox Ledge identified using acoustic data, as described for Alternative 2. Alternative 3 also includes consensus spawning grounds identified on Nantucket Shoals (DeCelles et al. 2017). In addition, Alternative 3 includes areas of Atlantic cod adult EFH where discrete Atlantic cod spawning habitats are identified in the future.
  - Option A includes all spawning sites.
  - Option B includes only those sites overlapping wind lease areas.

Action 1, Alternative 3





Supporting info – cod spawning

- From the Adult Atlantic cod EFH designation
  - "South of Cape Cod, spawning occurs in nearshore areas and on the continental shelf, usually in depths less than 70 meters."
- Acoustic monitoring data from ongoing study, listening for tagged cod and cod grunts during spawning season and within/around known spawning sites
  - Detections of tagged cod and cod grunts indicate use of sites for spawning and duration of spawning season. Repeated detections across years indicate site fidelity.
- Cod Stock Structure Working Group draft report, especially early life history, tagging, and synthesis chapters
  - Mark recapture work and assessment of gonad conditions indicate use of sites for spawning and duration of spawning season.

Action 2, Alternative 2

- Alternative 2 designates all areas in Southern New England where New England-managed species with EFH that are likely to be impacted by offshore wind development as Habitat Areas of Particular Concern.
  - Specifically, this includes Atlantic cod (all life stages), Atlantic herring (all life stages), little skate (juvenile, adult), monkfish (all life stages), ocean pout (egg, juvenile, adult), red hake (all life stages), sea scallop (all life stages), silver hake (all life stages), winter flounder (all life stages), winter skate (juvenile, adult), windowpane flounder (all life stages), and yellowtail flounder (all life stages).
- *Rationale:* This alternative is based on the need to provide a conservation focus to multiple species with EFH in Southern New England that are likely to be impacted by offshore wind development. More broadly, impacts from wind development include physical habitat conversions and losses, scour and sedimentation, construction and operational noise, electromagnetic fields, micrometeorological effects, water entrainment effects, and water-column hydrodynamic effects (including thermal changes and changes in currents that influence pelagic habitats).

Supporting info – multispecies

- Text and map EFH descriptions for focal species (seeking feedback on this list)
  - Atlantic cod (all life stages), Atlantic herring (all life stages), little skate (juvenile, adult), monkfish (all life stages), ocean pout (egg, juvenile, adult), red hake (all life stages), sea scallop (all life stages), silver hake (all life stages), winter flounder (all life stages), winter skate (juvenile, adult), windowpane flounder (all life stages), and yellowtail flounder (all life stages)
- Distribution, abundance, and biomass for these species in NEFSC, NEAMAP, RI, and MA trawl surveys
  - Example plots in draft framework; can show just focal species as recommended by Committee in next revision
- Literature on fish habitat utilization in SNE

Feedback requested and next steps

- Questions for the Committee
  - Does the Committee wish to continue development of all alternatives?
  - Under Action 1, is there a preference for known cod spawning areas (Alternative 2) vs. potential and future areas (Alternative 3)? All sites (Option A) or sites inside wind lease areas only (Option B)?
  - Under Action 2, are there focal species of particular interest?
- Next steps
  - As needed depending on Committee feedback, describe and map a multispecies HAPC for specific focal species
  - Refine and focus the "supporting information" sections of the framework to provide rationale for the alternatives
  - Draft impacts analysis section

Great South Channel Habitat Mgmt. Area

- Designated via Omnibus EFH Amendment 2 (implemented April 2018); clam and mussel dredge exemptions via trailing framework (implemented July 2020).
  - Additional background
- Emergency access requested in December 2021 by Monte Rome, Intershell International Corp.
  - March 10 response from NOAA Assistant Administrator Janet Coit (see correspondence) denying request
- Council discussed both emergency action and exempted fishing permit-based research in HMA at February 2022 meeting; requested that Habitat Committee review report (full motion here, bottom of page 1)

CFF EFP Progress Report

- Coonamessett Farm Foundation staff provided a progress report to the Habitat Plan Development team in early February
  - Includes species/substrates caught in dredge and observed in videos; sediment interpolation maps using inverse distance weighting method; mapped locations of mussels, shell hash, etc.; seasonal substrate comparison
- PDT discussed with CFF staff on February 15. Later provided CFF with a copy of the final meeting summary and had follow up staff to staff discussion.
  - Concerns related to uneven spatial distribution of data and how that affects results
  - Suggested directly summarizing data in graphics, tables, in addition to maps, and being very clear about areas of uncertainty, including on maps

Next steps

- CFF is planning to issue a final report in late May; will include analysis of additional data, and respond to some of the PDT's feedback
- PDT, Advisory Panel, and Committee can discuss during meetings in June
- Report back to Council at the end of June regarding utility of this study for management of fishing gear impacts within the Great South Channel Habitat Management Area

Maine/New Hampshire/Massachusetts Port Access Route Study

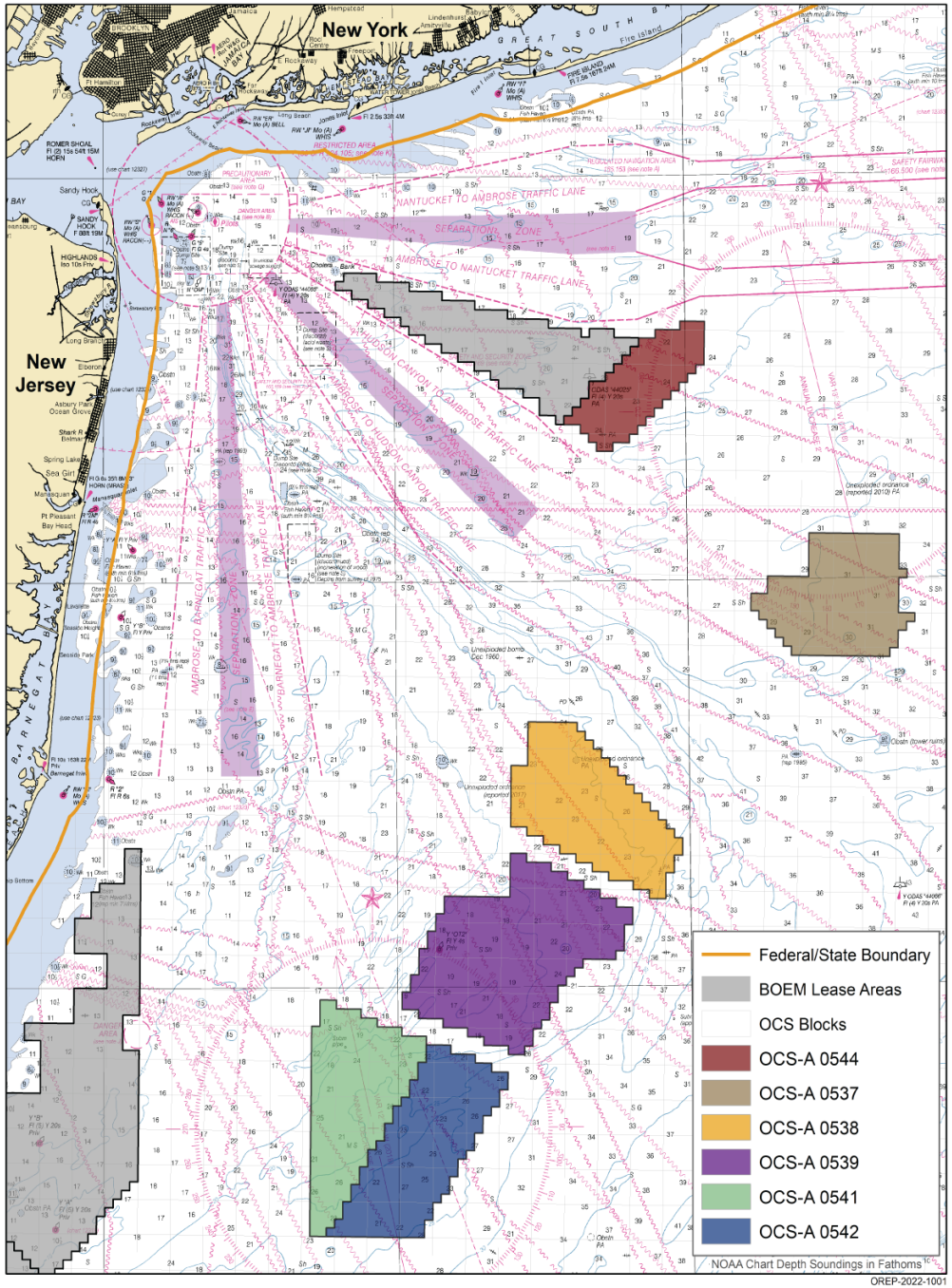
- The purpose of this study will be to evaluate the adequacy of existing vessel routing measures and determine whether additional measures are necessary to improve navigation safety due to factors such as planned or potential offshore development, current port capabilities and planned improvements, increased vessel traffic, changing vessel types and traffic patterns, weather conditions, or navigational difficulty.
  - Measures could include traffic separation schemes, two-way routes, recommended tracks, deep-water routes, precautionary areas, and areas to be avoided.
- Study area includes the Gulf of Maine, the New Hampshire Seacoast, and the Massachusetts Bay region
- Encourage participation in this study by submitting comments and related materials that address impacts to safe navigation within the area of study.
  - The Notice of Study will include a 45-day comment period.
- Link to download Maine/New Hampshire/Massachusetts PARS advance notice
- LTJG Tom Davis from the First Coast Guard District will provide more information and take any questions.

Offshore Wind – Council activities

- No recent comment letters
- Working with NMFS staff to develop habitat monitoring recommendations – building on mapping recommendations and ROSA survey guidelines
- Ongoing discussion with BOEM about impacts to artificial reefs and appropriate distance buffers; agency reached out to Councils based on our scoping letter for the Atlantic Shores project off NJ
- Will participate in GOM taskforce meeting as requested (tentatively scheduled for May 19)

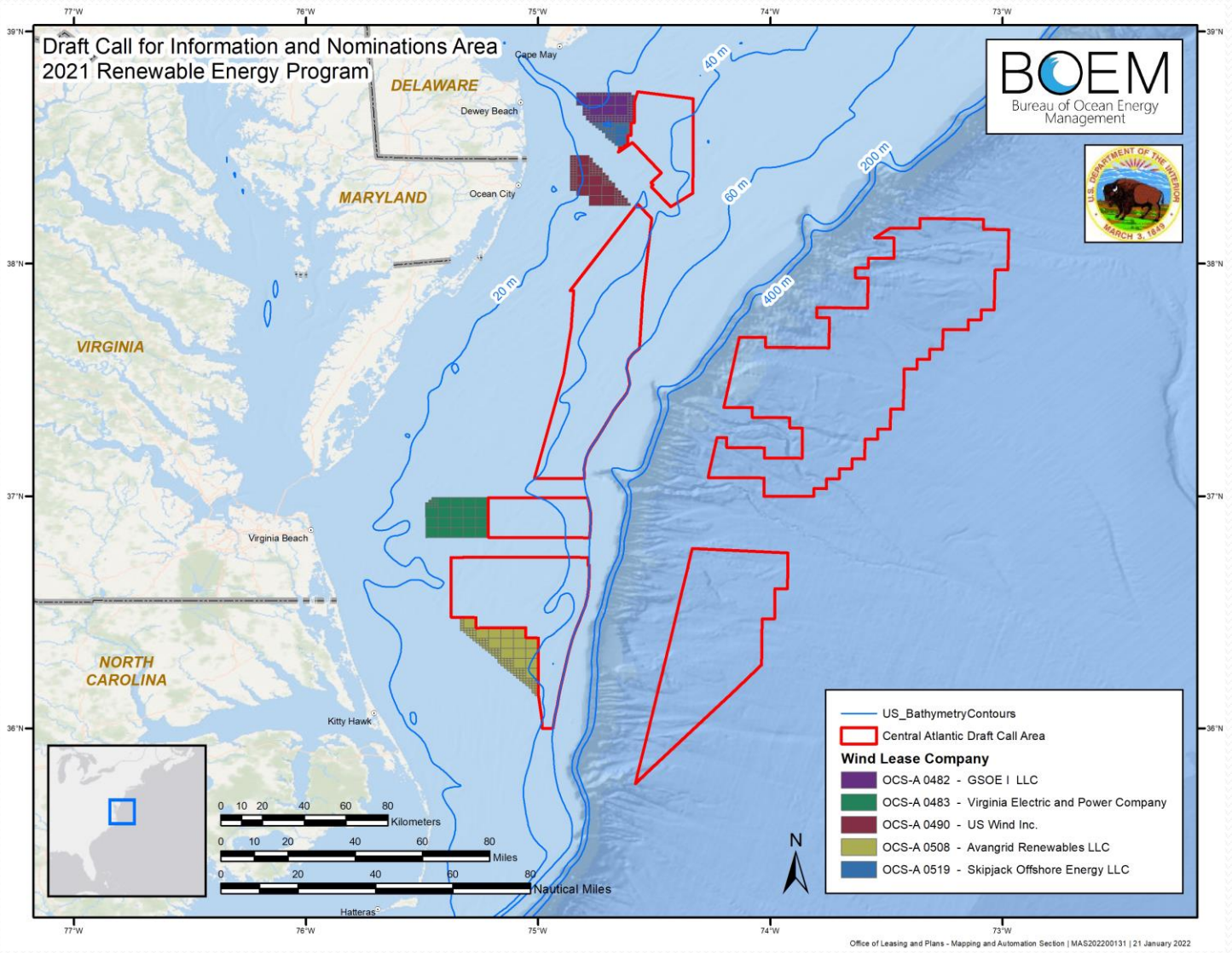
New York Bight Lease Sale

- Auction held on Feb. 23 for 6 lease areas (>488,000 acres) – $4.37 billion total
  - Lowest bid (0544 lease – red polygon) - $285 Million
  - Highest bid (0539 lease – purple polygon) - $1.1 Billion
- Provisional winners declared Feb. 25
  - Leases will be finalized once Dept. of Justice and Federal Trade Commission reviews anti-competitiveness of auction
- Lease stipulations:
  - Enhance engagement with Tribes, commercial fishing industry, other ocean users, undeserved communities **incl. reporting engagement and how feedback is incorporated**
  - Advance flexibility in transmission planning;
  - Source major components domestically



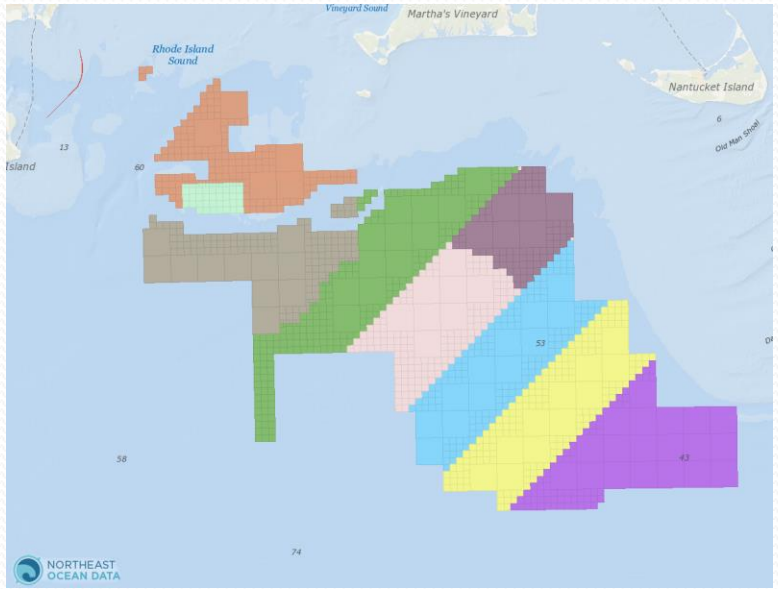
Central Atlantic Planning

- First Intergovernmental Task Force Meeting on Feb. 16
- Draft Call Area (map on right) is a 31% reduction in size from initial area
  - Call Area will publish in Q2 with a 45-day comment period
  - Wind Energy Areas identified in Q3 this year
  - Proposed Sale Notice in Q1 2023
  - Final Sale Notice in Q2 2023
  - Auction held in Q3 2023



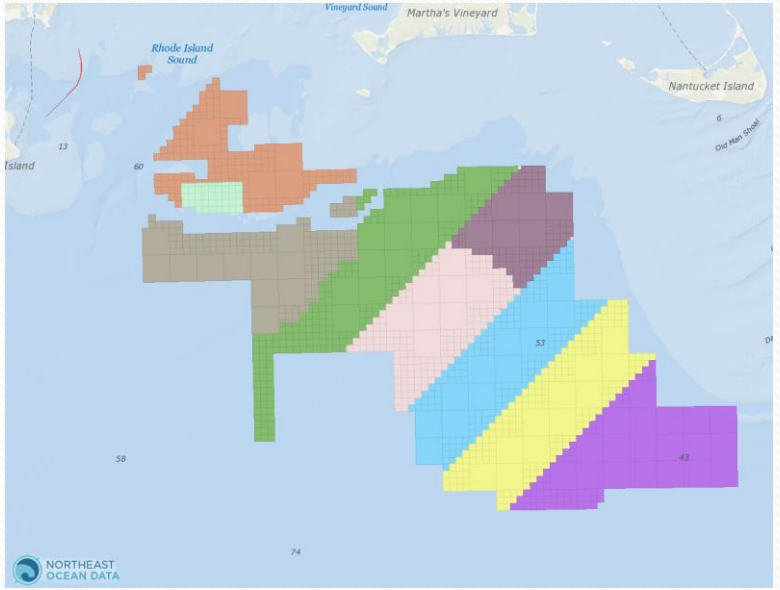
Status of New England OSW projects

- Some projects have been permitted:
  - Vineyard Wind I (Lease Area OCS-A 501, Vineyard Wind and Avangrid Renewables)
  - South Fork Wind (Lease Area OCS-A 517, Northeast Offshore LLC (JV between Ørsted and Eversource)
- Some projects have draft EIS documents under development:
  - Sunrise Wind (Lease Area OCS-A 530, Ørsted, Sunrise Wind LLC)
  - Revolution Wind (Lease Area OCS-A 486, Ørsted and Eversource)
  - New England Wind (Lease Area OCS-A 534, Avangrid Renewables)
    - Phase I Park City, Phase II Commonwealth
  - Mayflower Wind (Lease Area OCS-A 521, Shell and Ocean Winds North America)
- Some projects have approved Site Assessment Plans but have yet to go out for scoping:
  - Bay State Wind (Lease Area OCS-A 500, Ørsted)
  - Liberty Wind (Lease Area OCS-A 522, Vineyard Wind (CIP))
  - Beacon Wind (Lease Area OCS-A 520, Equinor)



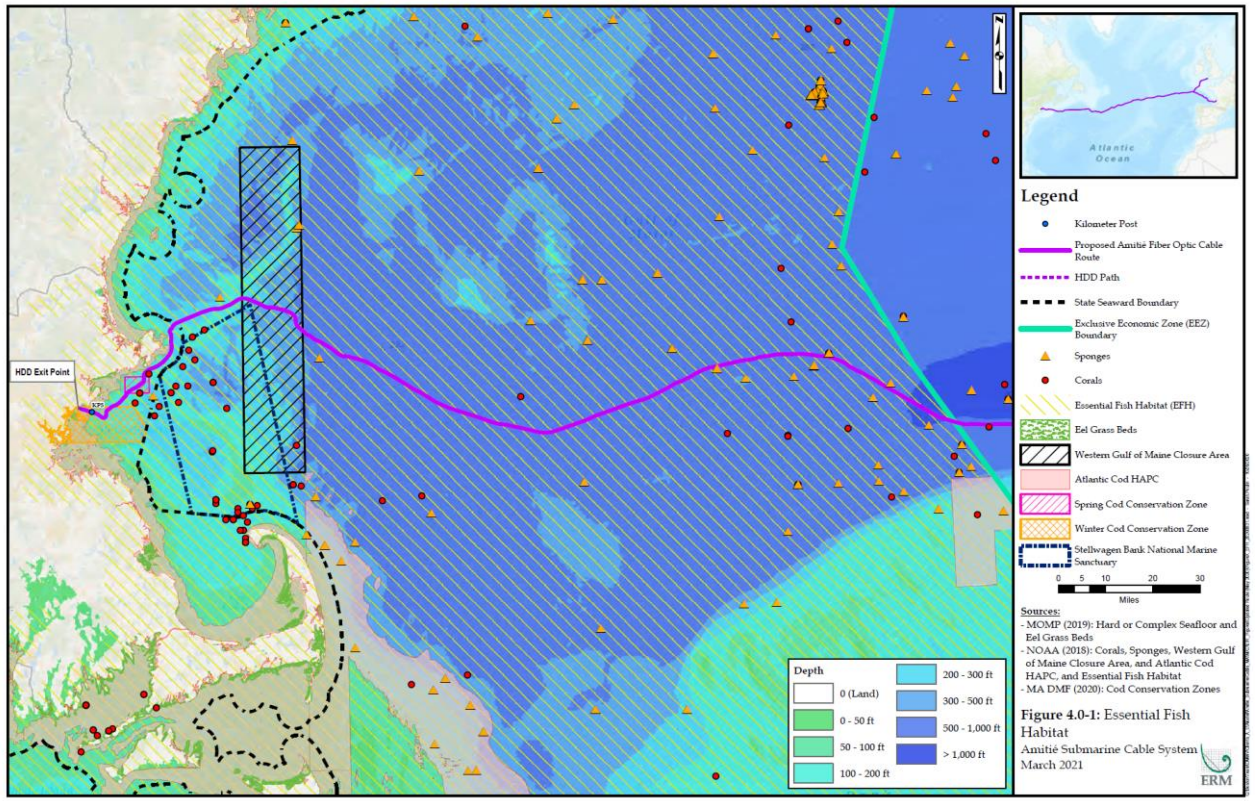
Developer activities

- Southern New England wind developers will be hosting port hours on
  - Wednesday, March 30th 5PM-7PM - New Bedford
  - Tuesday, April 5th 5PM-7PM - Point Judith
  - Friday, April 8th 10AM-12PM - Montauk
- Opportunity for general discussion/questions
- Focus on acoustic receiver network that will be deployed later this spring
  - Purpose of project is to understand distribution of highly migratory species, but receivers will pick up signals from other tagged fish too
  - Want to get feedback on receiver locations, especially from mobile gear fishermen



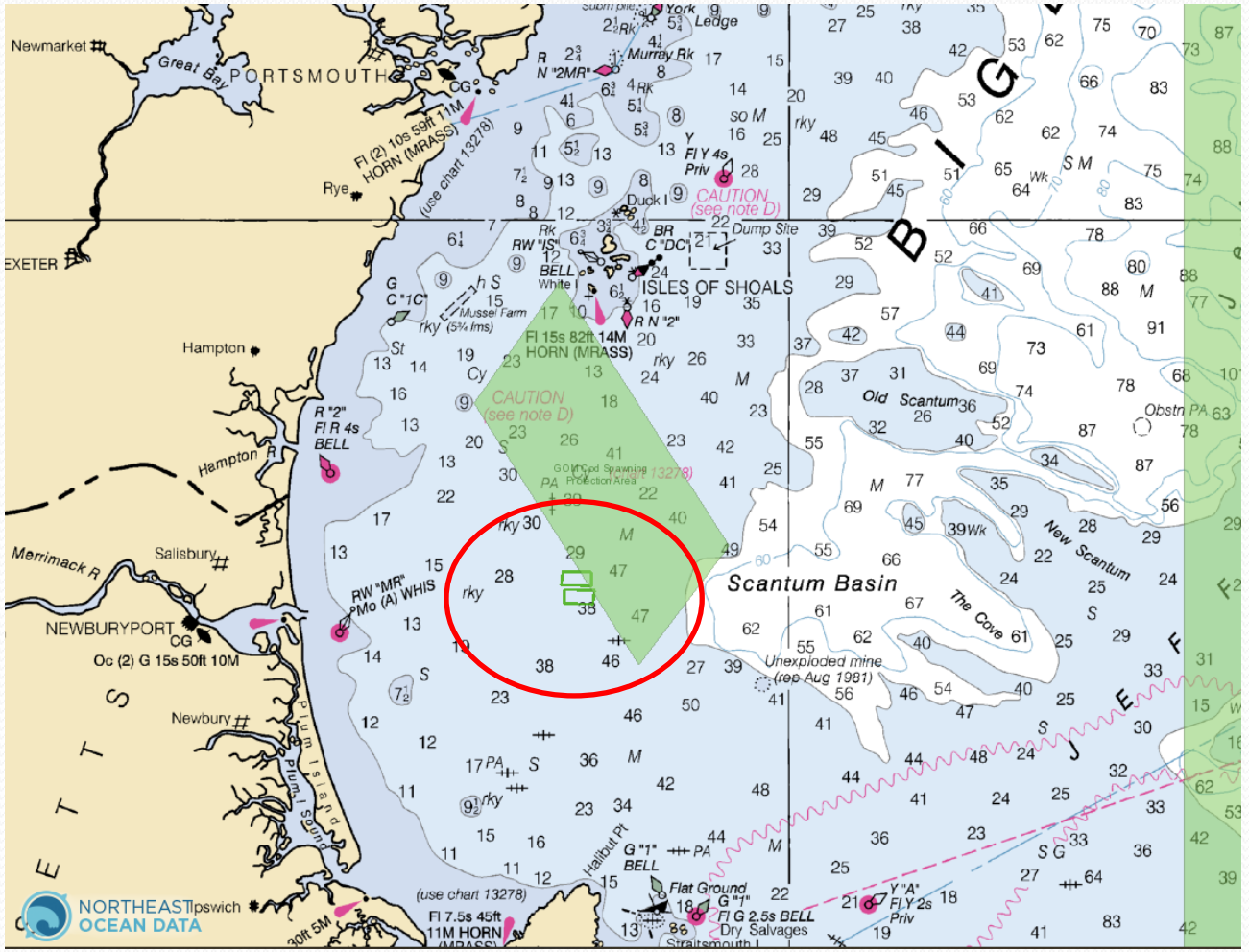
Amitie telecommunications cable project

- Council comments (Feb 2022): https://s3.amazonaws.com/nefmc.org/220215_NEFMC-to-US-Army-Corps-re-Amitie-Cable-EFH-Concerns.pdf
- NMFS is awaiting additional information, which should be provided soon by the Army Corps project manager
- NMFS will then continue the EFH consultation for the project
- Installation in Canadian EEZ underway https://www.cbc.ca/news/canada/nova-scotia/facebook-laying-cable-fishing-grounds-nova-scotia-1.6348786



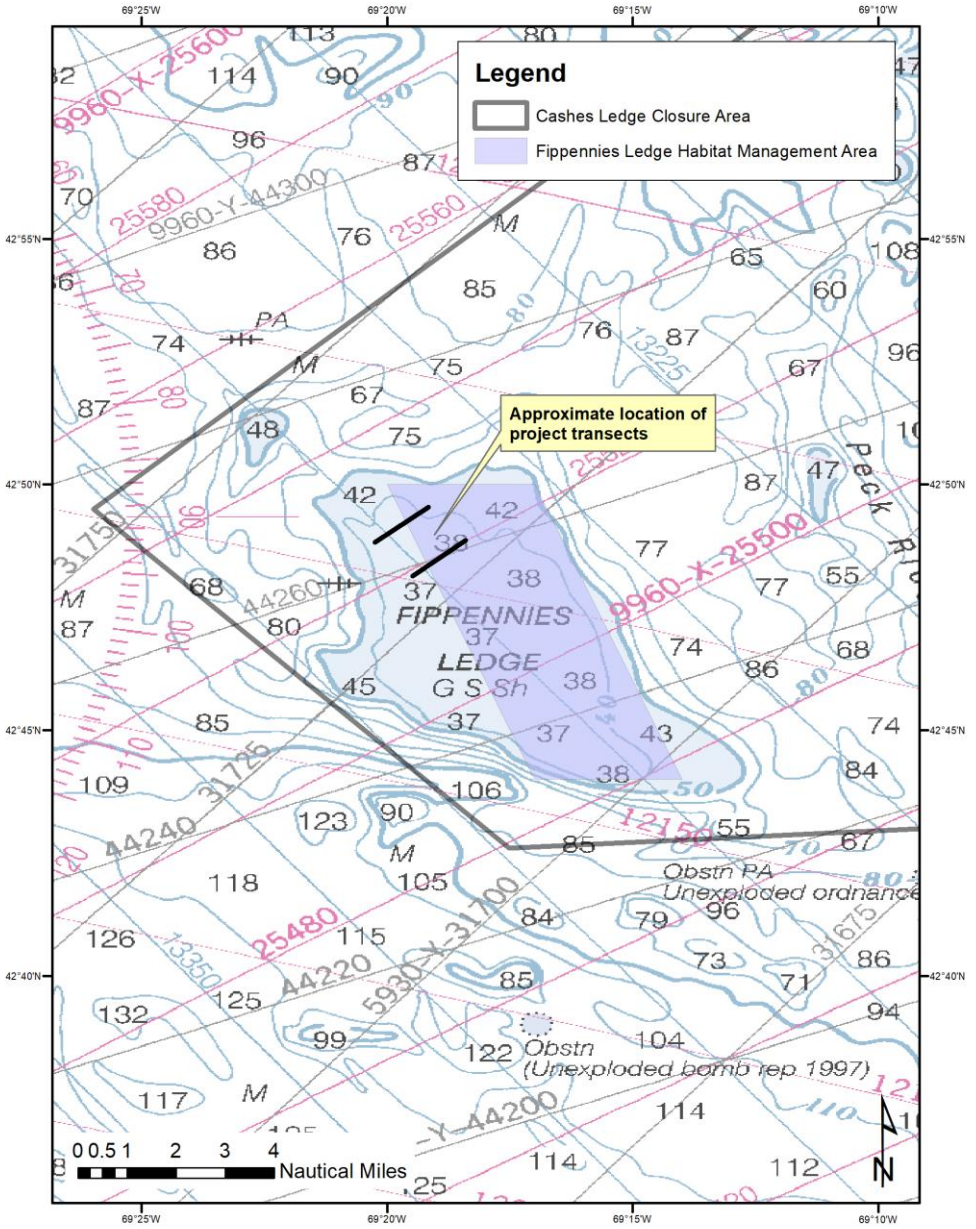
Blue Water Fisheries Aquaculture Project

- Council comments
  - NEFMC to NOAA/GARFO Dec 2020
  - NEFMC/MAFMC to Army Corps July 2021
- Project area is sites 2 and 3 (small green boxes on map)
- Interagency team working with BWF to gather additional project details ahead of NOI and public scoping; GARFO currently doing pre-scoping
- NOI for EIS expected to be published in June at earliest (working on hiring a contractor)
- Council action will track EIS timeline



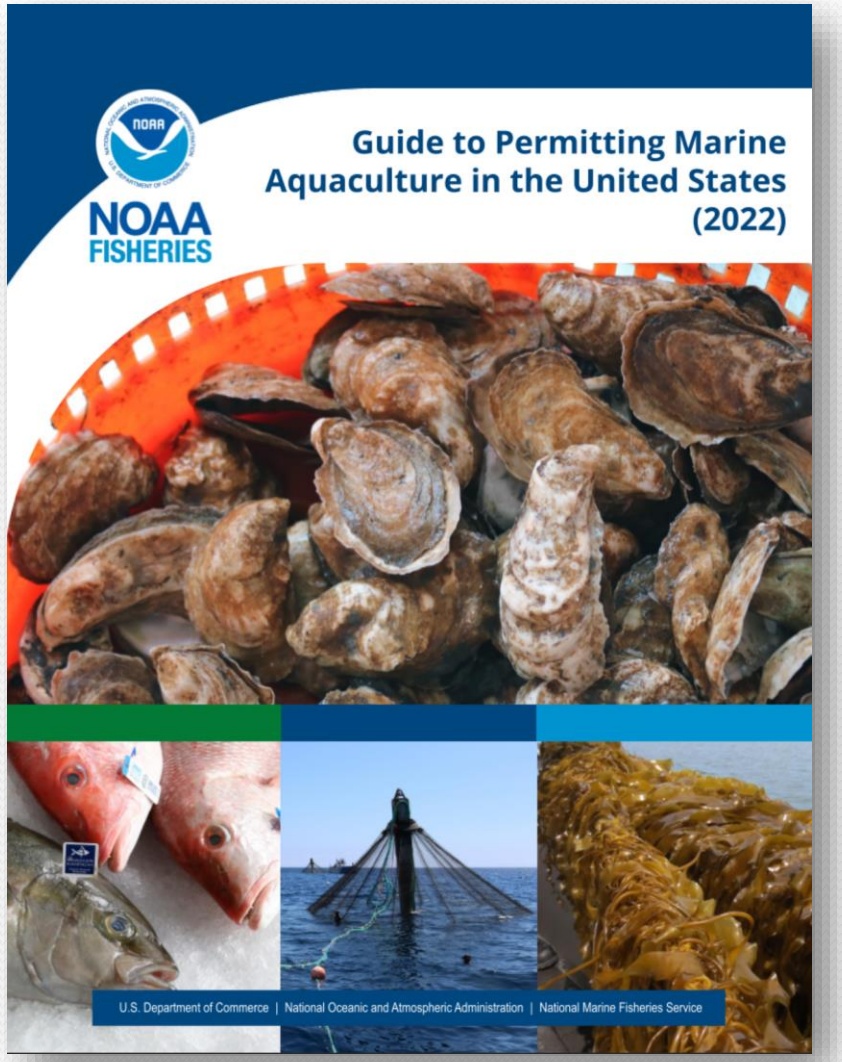
Running Tide Project

- Council comments (Feb 2022): https://s3.amazonaws.com/nefmc.org/220215_NEFMC-to-US-Army-Corps-re-Running-Tide.pdf
- GARFO working with Army Corps re-habitat related concerns
- No updates or suggested project changes thus far



Other Aquaculture Updates

- New Guide to Permitting Marine Aquaculture in the US published 3/25/2022
  - Complements our aquaculture backgrounder
- NROC holding aquaculture webinars on April 5 and April 8 on regulation, public engagement and interjurisdictional coordination



Research priorities

- Habitat related items listed in document 7; some minor staff edits
- **Today, seeking Committee input on additions, deletions, or revisions to priorities**
- PDT has not had a chance to discuss yet; will review in detail during March 28 meeting
- Staff will forward major PDT revisions to Committee for review via correspondence, before providing to SSC
- Priority topics
  - Fishing gear impacts
  - Habitat distributions and ecology, including deep-sea coral habitats
  - Fish/habitat linkages
  - Characterize and evaluate performance of habitat management areas
  - Impacts of offshore wind of fish, habitats, and fisheries
- Northeast Regional Habitat Assessment addresses aspects of multiple priorities; next cycle (2023-2027) a better time to take stock of this
- Deep-Sea Coral Research and Technology Program research planning for 2024-25 will kick off in October 2022; we will be asked to participate in planning process

2022 Work Priorities Timeline

☑ **Northern Edge** – white paper set aside for later discussions based on future Council prioritization

- **S. New England Habitat Area of Particular Concern** – depending on today's discussion, approve HAPC during April Council meeting; complete and submit action shortly after
- **Offshore wind** – GOM taskforce in May. Engage in Central Atlantic planning as needed. Will need to consider how many resources to devote to providing project-specific comments. Most of comment periods are in July-Sept. Work with ROSA, NMFS is ongoing.
- **Northeast Regional Habitat Assessment** – presentation to Council in June; 3-yr project ends in July, rollout of results throughout the year.
- **Atlantic salmon framework** – expect work to occur second half of the year once Blue Water Fisheries project progresses and GARFO begins EIS development
- **Great South Channel Habitat Mgmt Area** – review final CFF EFP report in May/June; determine next steps. Note: not a Council 2022 priority.