



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116

Eric Reid, *Chair* | Thomas A. Nies, *Executive Director*

DRAFT MEETING SUMMARY

Habitat Plan Development Team

April 29, 2022

1:00 – 3:00 p.m.

Agenda

Following up on discussions at the April Council meeting, the PDT refined the range of alternatives and reviewed supporting information for the framework to designate a Habitat Area of Particular Concern (HAPC) in Southern New England.

Meeting attendance

PDT members included Michelle Bachman (Chair), Peter Auster, Jessica Coakley, Jenny Couture, Geret DePiper, Julia Livermore, Dave Packer, David Stevenson, and Alison Verkade. Other attendees included Habitat Committee Chair Eric Reid, Brian Gervelis, Alison Lorenc and Drew Minkiewicz.

Discussion

The Council deferred final action on the HAPC framework until the June meeting. From the discussion at the April meeting, Council members are seeking:

- More information on what would trigger the HAPC designation in Alternative 3, i.e., what data would be required to define a location as a cod spawning site, and
- Refinement of Alternative 4, which is currently very broad (i.e., HAPC for multiple New England-managed species).

The PDT chair thought that providing more information about the EFH consultation process, including how the HAPC designations contemplated in this action would be applied during consultations, would be valuable to the Council in terms of understanding the impacts of designating new HAPCs.

For the remainder of the call, the PDT discussed each of the alternatives in turn and made several suggestions.

Alternative 2:

- The intent is that the entire polygon identified in Alternative 2 would be considered HAPC, however within this area there appear to be discrete locations that are more

FINAL

important (high use spawning? areas), as evidenced by a higher number of fish detections across the various sources of data and/or consistent use of an area across years. During EFH consultation it will be appropriate to use any information available to convey the relative importance of specific locations within the HAPC; NOAA Fisheries might consider some areas higher priority for protection during the consultation process. The Council's document should convey relevant information in as much detail as possible for use by NOAA Fisheries in the consultation process.

- The Alternative 2 polygon should encompass data from tagging studies and the South Fork Wind Farm cod surveys (this applies to Alternative 3 as well, which includes this same area).
- For these data sets, consider alternative ways to display the data spatially, i.e., show the number of fish represented at a given tag release location or survey location to better convey which sites are likely to be most important. An acoustic detection or catch of a single fish is different from a single fixed receiver site with multiple detections, or a tagging site where multiple fish in spawning condition were released. It might be useful to distinguish between the haystack-type aggregations known to occur in the Western Gulf of Maine from cod distributions that occur in Southern New England, since there may be differences in how spawning cod are distributed between the two regions, based on currently available evidence.
- The document should be precise with terminology, i.e., what is cod spawning activity vs. a cod spawning aggregation. The document should communicate what the data are telling us, e.g., data are indicative of the presence of cod in spawning condition or show fish aggregations. Also, that the absence of data does not indicate that an area is not used for spawning; there are spatial and temporal gaps across all data sources considered here.
- Suggest noting under this alternative, and Alternative 3, the importance of protecting egg and larval fish as an element of spawning conservation. Noted that cod eggs cannot be distinguished from certain other species, but larvae can; will plot larval data if available. This should include a description of the sorts of conservation recommendations that would be appropriate for minimizing impacts of offshore wind development (entrainment, sedimentation) to eggs and larvae, for example time of year restrictions, minimizing effluent discharge, using closed loop cooling techniques at conversion stations.

Regarding Alternative 3:

- It will be helpful especially for the potential spawning sites for the Council to weigh in on the conditions under which the HAPC should be applied. NOAA Fisheries will have discretion to use data available at the time of an EFH consultation to develop spatially-specific conservation recommendations, however, Council input on potentially relevant data, and how those data should be used, will be important to provide via the HAPC framework. For example, if cod are detected in an acoustic study, should a buffer be applied around the point observations? The Council (or NOAA Fisheries) could also recommend follow up surveys at a site if preliminary information indicates spawning. The intention here is not to require additional steps by the Council, but to provide

FINAL

guidance that will allow NOAA Fisheries to apply existing and future data consistent with Council intent.

- The alternative should describe why areas outside wind lease areas are identified as HAPC, for example because HAPCs can be affected by activities that occur outside them, and/or because cable routes are not fully known at this time.

Regarding Alternative 4:

- This alternative should be conceptually narrowed to focus on complex habitat and species/lifestages associated with complex habitat. Look at locations of juvenile vs. adult catches in survey data to potentially point to areas of the HAPC that are used by certain species. This should include a description of the sorts of conservation recommendations that would be appropriate for minimizing impacts to complex habitats, for example measures to minimize turbidity.
- This alternative should be spatially narrowed to focus on the area around Cox Ledge where complex habitats are known to occur. It may be important to be somewhat general about how this area is defined, given available data (i.e., we understand that some areas are not well sampled at present).

For all alternatives:

- Make linkages clear between types of impacts and how the HAPC designation could be used to inform conservation recommendations to mitigate those impacts.

The meeting adjourned at approximately 3:00 p.m.