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## New England Fishery Management Council

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

February 3, 2022

LeAnn Hogan, Regional Operations Coordinator  
NOAA Sanctuaries Eastern Region  
1305 East-West Highway, N/NMS  
Silver Spring, MD 20910

Dear Ms. Hogan:

On behalf of the New England Fishery Management Council, please accept these comments to inform NOAA's review of the Hudson Canyon National Marine Sanctuary nomination.

The Council submitted comments five years ago when the nomination was first considered. We described our relationship with the National Marine Sanctuary in New England, Stellwagen Bank, and noted that we would like to be involved if the Hudson Canyon nomination moves towards designation, since some of the fisheries we manage (scallop and red crab) occur within or near the proposed boundaries. We reiterate our desire to be involved in any future designation process for a sanctuary in Hudson Canyon. As requested in the Federal Register notice, the remainder of our comments summarize new information related to a subset of the eleven National Significance Criteria considered during sanctuary nomination.

**National Significance Criteria 1 (special significance of natural resources):** The biological and geological complexity of the Hudson Canyon was well known when this nomination was added to the list in 2017, in part due to fieldwork completed during NOAA's Deep-Sea Coral Research and Technology Program 2013-2015 Northeast Region initiative. However, we expect that some of these data were not fully analyzed in 2017 and there may be additional science related to corals, sponges, associated species, and geology of the canyon to consider now. We recommend obtaining the most recent information from the coral program.

**National Significance Criteria 3 (support for present and potential economic uses):** The northwestern corner of the sanctuary boundary identified in the 2016 nomination document overlaps an area referred to by fishermen as the Texas Tower, which has historically been a productive sea scalloping ground. Beginning in 2022, the Texas Tower and adjacent areas will be managed as a rotational fishery closure, to protect an abundance of juvenile (recruit) scallops so that they can be harvested efficiently and productively in the future (Figure 1 and Figure 2). The Texas Tower area is very important in the context of the Mid-Atlantic scallop fishery; recent recruitment in other areas of the Mid-Atlantic Bight has been lower or more dispersed in comparison, and recent studies have suggested that scallops from this area may seed scallop beds to the southwest. Given the present and future scallop fishery uses in this area, it is important for the Council to maintain its current ability to implement rotational scallop fishery management to

respond to changing resource conditions. Should the nomination move forward in the future we would be happy to provide detailed information about the scallop resource and its management within and adjacent to the proposed sanctuary, in collaboration with our partners at NOAA Fisheries.

**Management Consideration 3 (adverse impacts from current or future uses):** As you are likely aware, offshore wind development has continued to accelerate since 2017. An area adjacent to and slightly overlapping the northwest corner of the nominated sanctuary area is proposed for leasing this March by the Bureau of Ocean Energy Management (lease area OCS-A 0537). The ecological impacts of offshore wind installations do not stop at the boundaries of the lease area, and Hudson Canyon could be impacted by development of this lease, and perhaps other leases in the region. While proposed leases in the New York Bight area inshore of the nominated area, further south in the Central Atlantic region, potential call areas for wind development are being considered for deep waters along the slope. A sanctuary designation in Hudson Canyon could be a means to prevent future deep-water offshore wind development in or near the canyon.

**Management Consideration 5 (supplementation of existing regulatory and management authorities):** Since 2017, the Council's Omnibus Essential Fish Habitat Amendment 2 was approved and implemented by NOAA Fisheries. One of the designations implemented through the amendment was the Hudson Canyon Habitat Area of Particular Concern (HAPC). The HAPC encompasses all areas of the canyon to a depth of 1500 meters, which is the maximum depth to which our essential fish habitat designations extend along the continental slope. Our HAPC designation recognizes the importance and fragility of the habitats occurring within the canyon and their value to fishery species (Figure 1). A sanctuary designation could be complementary to the HAPC designation and may help to promote conservation of habitats comprising the HAPC. Generally, HAPC are intended to bolster NOAA Fisheries' essential fish habitat consultations, which recommend conservation measures for federal projects.

Fishery management areas to protect deep-sea coral habitats within Hudson Canyon were already in place when this nomination was first considered in 2017. The New England and Mid-Atlantic Councils have worked together at a regional scale under a memorandum of understanding to identify and designate coral protection zones. In January 2018, we approved a very similar offshore coral protection zone for the area south of Georges Bank, and the area went into effect in July 2021. This act affirmed the New England Council's commitment to protecting deep-sea habitats in a manner that continues to provide access to adjacent fishing grounds along the continental slope.

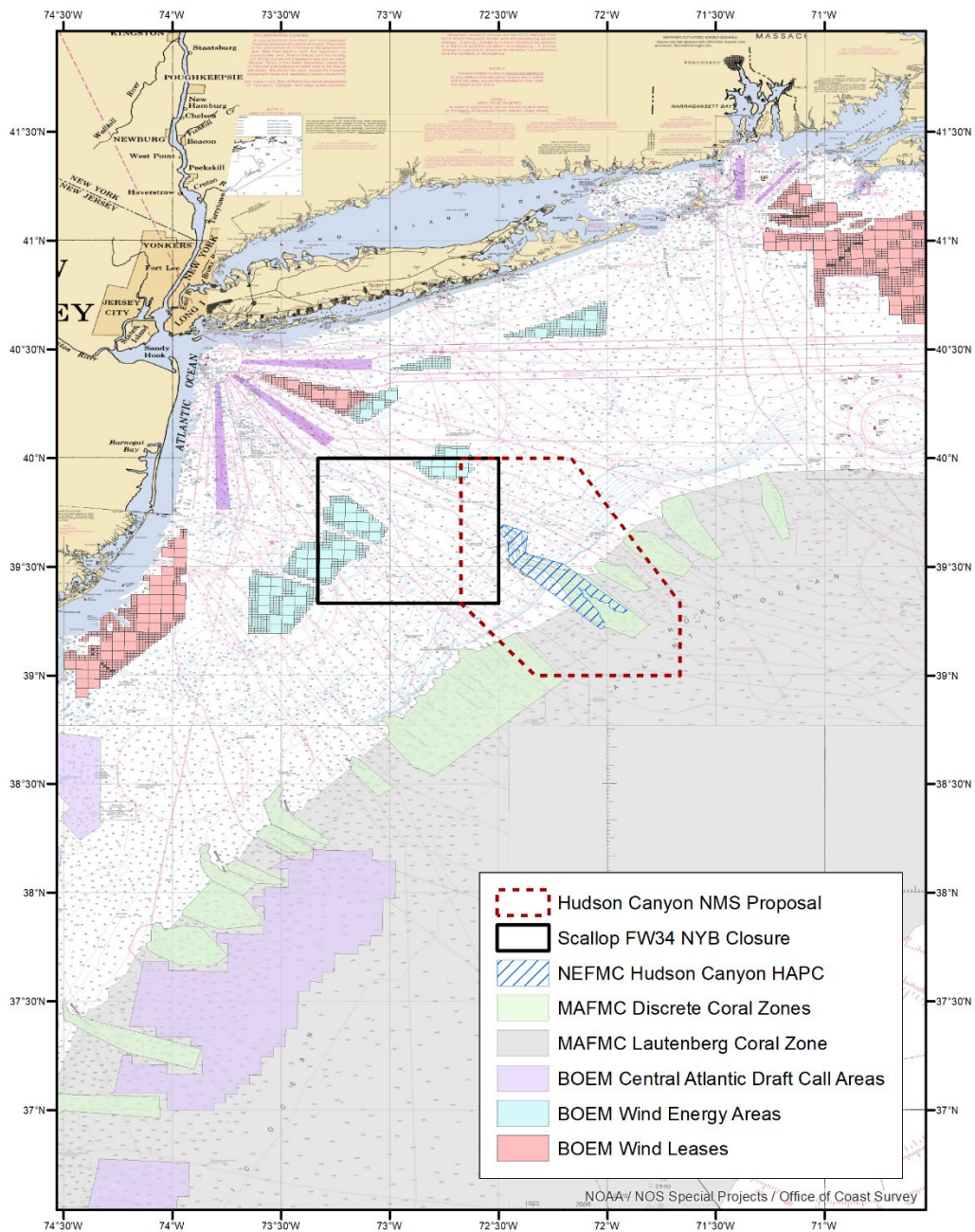
Thank you for considering our comments. Please contact me if you have any questions.

Sincerely,

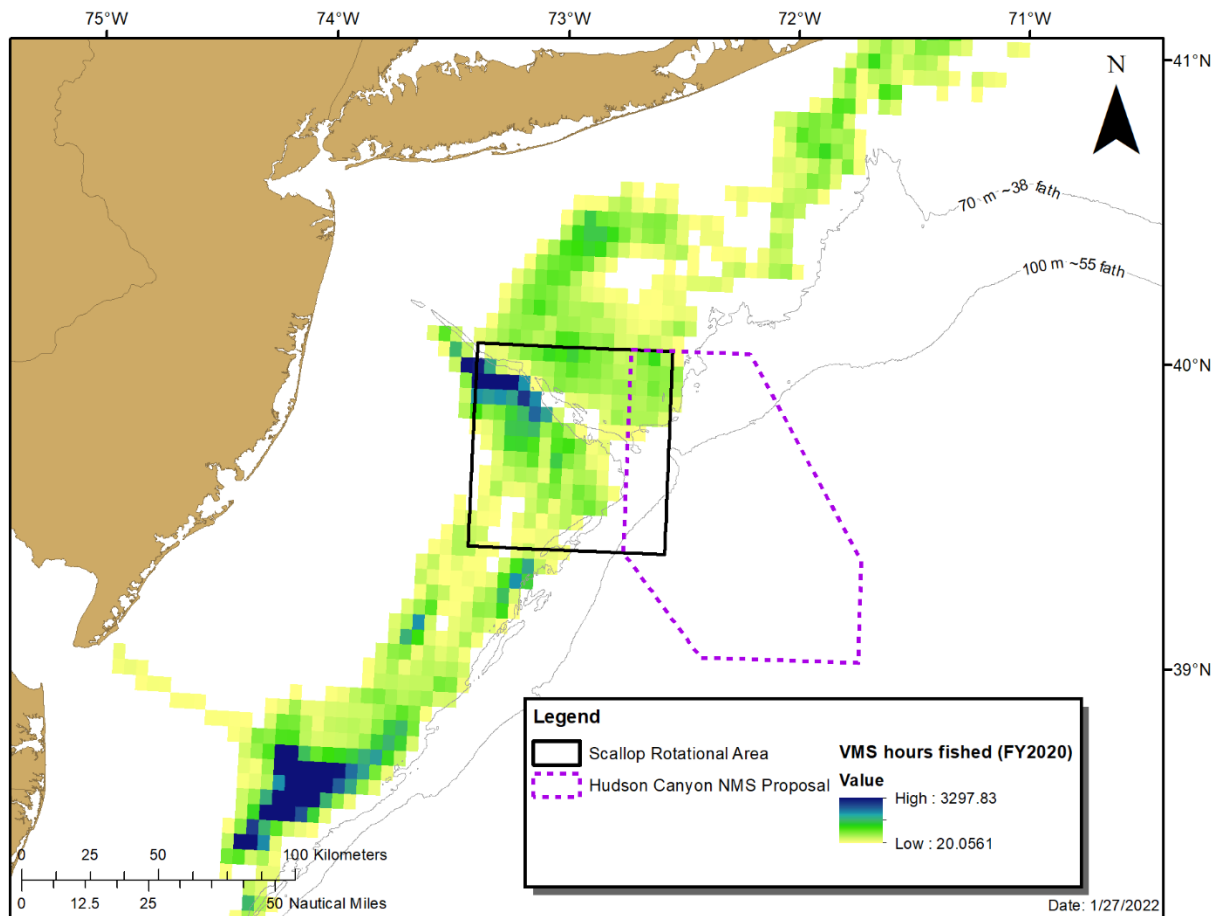


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**Figure 1. Overview of proposed Hudson Canyon Marine Sanctuary (red hashed line), Scallop Access Area (black line, and other management and offshore wind lease areas.**



**Figure 2. Recent scallop fishing effort based on vessel monitoring system data overlaid with a rotational fishery closure that will be implemented during 2022. The Texas Tower is in the area of overlap between scallop fishing effort and the northwestern corner of the sanctuary proposal.**



**Figure 3. Scallop rotational area for fishing year 2022 relative to final wind lease areas announced by BOEM on January 12, 2022 and the proposed Hudson Canyon sanctuary boundary.**

