Southern New England Habitat Area of Particular Concern Framework Action

The NEFMC Habitat Committee met on June 10, 2022 to discuss this action and consider preferred alternatives leading up to a final Council decision planned for June 30. Committee members expressed concerns regarding the focus of the alternatives, i.e., on the emphasis on cod protection vs. an HAPC to address multiple conservation objectives and regarding the potential for incidental impacts of the HAPC designation on fishery research and management. Hearing these concerns at the meeting and working with Committee members afterwards, staff generated the following alternative. The spatial area for this alternative is intermediate between the smaller Alternative 2 and larger Alternatives 3 and 4 described in the HAPC document and is centered on the wind lease areas in Southern New England since wind development is a major current development stress. This alternative combines the conservation objectives associated with Alternatives 2, 3, and 4 into a single designation to emphasize that these habitats provide multiple important functions for a range of Council-managed species.

Revised Alternative

This alternative would designate the area overlapping offshore wind lease sites in Southern New England as a Habitat Area of Particular Concern. The spatial extent of the HAPC is based on the footprint of the lease areas, buffered by approximately 10 km on all sides, combined with the footprint of the Cox Ledge spawning ground developed for Alternative 2, which is based on recent evidence of cod spawning activity.

The purpose of the HAPC is to emphasize the importance of protecting complex benthic habitats and cod spawning habitats from negative impacts associated with offshore development. The HAPC designation would be applied during the Essential Fish Habitat (EFH) consultation process for specific projects using the best available scientific information on the distribution of complex habitats and cod spawning. Conservation recommendations will vary by development activity, habitat function (i.e., for spawning, juvenile settlement, sheltering, feeding), and habitat characteristics. Activities within and outside the HAPC could impact the habitat function of the HAPC.

HAPCs are, by definition, a subset of designated EFH. The HAPC area overlaps designated EFH for one or more of the following species that occupy complex habitats: Atlantic cod juveniles and adults, Atlantic herring eggs, Atlantic sea scallop eggs, juveniles, and adults, little skate juveniles and adults, monkfish juveniles and adults, ocean pout eggs, juveniles, and adults, red hake juveniles and adults, winter flounder eggs, juveniles, and adults, and winter skate juveniles and adults. In addition, the HAPC overlaps designated EFH for egg, larval, and/or adult Atlantic cod.

For the purpose of applying the HAPC designation, habitat characteristics and use are evaluated on a project-specific basis. Complex habitats are defined as:

- Hard bottom substrates, defined by the Coastal and Marine Ecological Classification Standard (CMECS) as Substrate Class Rock Substrate and by the four Substrate Groups: Gravels, Gravel Mixes, Gravelly, and Shell. This CMECS modifier was developed by NOAA Fisheries for their habitat mapping recommendations, including both large-grained and small-grained hard habitats.
- Hard bottom substrates with epifauna or macroalgae cover.
- Vegetated habitats (e.g., submerged aquatic vegetation and tidal wetlands).

Evidence of cod spawning activity at a site could be based on:

- Capture of ripe, running, or spent cod during fishery independent surveys,
- Detections of acoustically tagged fish between November and April,
- Detections of cod grunts in acoustic surveys,
- Capture of cod larvae in ichthyoplankton surveys,
- Evidence of eggs in ichthyoplankton surveys (not species specific but indicative of spawning success).

Additional rationale

Designation of this HAPC would place conservation focus on areas that are experiencing current development stresses. The designated area overlaps areas leased for renewable energy development. Some projects are already permitted, others are currently undergoing environmental review, and others are still within the site assessment phase. The HAPC boundary includes a buffer of approximately 10 km beyond the leased areas, recognizing that some types of development activities can generate impacts at scales of tens of kilometers beyond the site of construction and operations. For example, acoustic impacts may extend kilometers from a pile driving site. The HAPC designation will be applied during EFH consultation when data indicate that cod spawning and/or complex habitats occur within or near the project footprint. An HAPC focused on these conservation objectives is consistent with the Council's Offshore Wind Energy Policy as well as prior offshore wind project specific comments provided by the Council in recent years.

Example data types that could be used when determining when and where to apply the HAPC designation during EFH consultation:

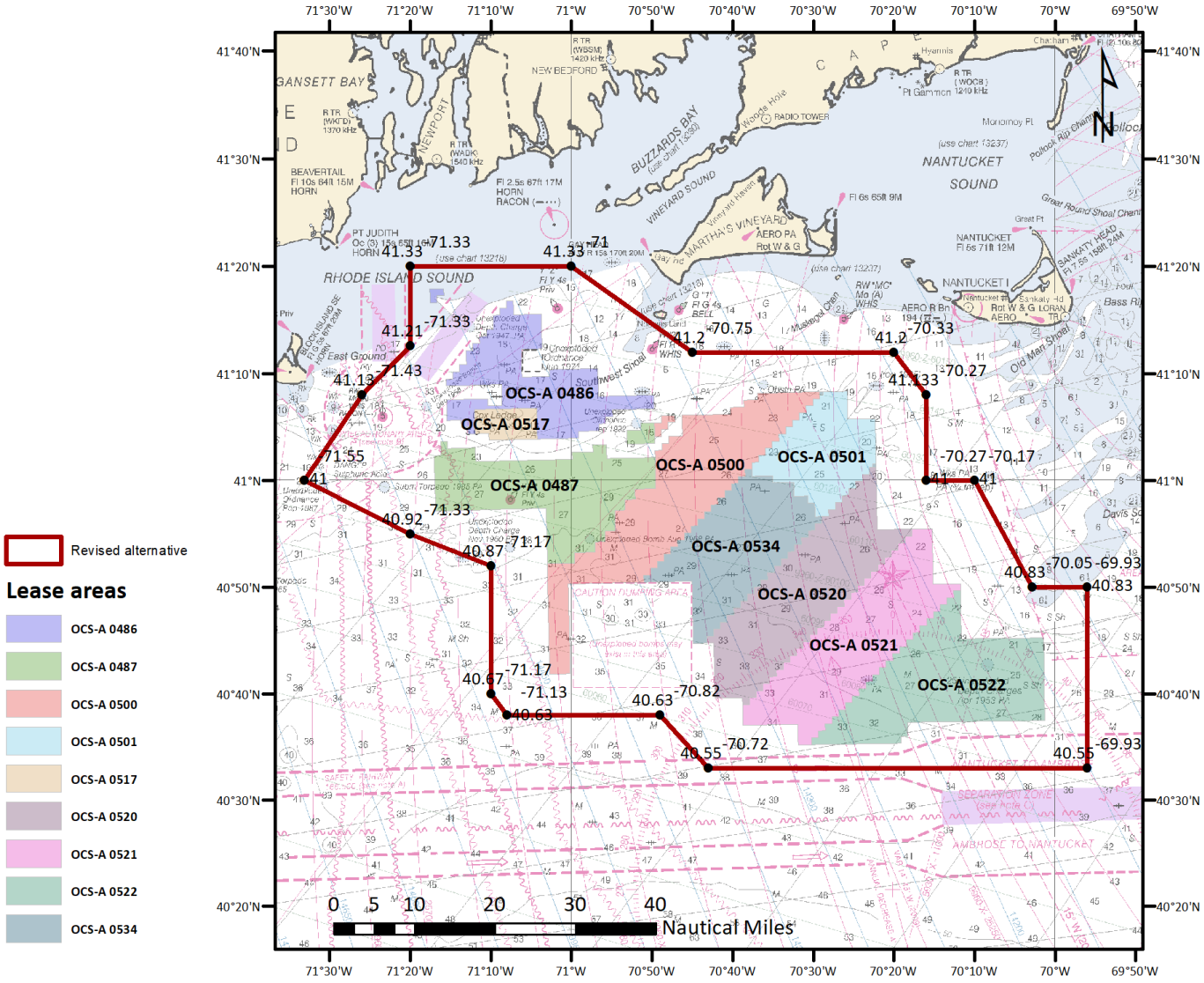
Cod spawning (this list is not comprehensive):

- Project-related survey data collected before, during, or after construction,
- State or federal fishery independent surveys,
- Acoustic surveys and tagging studies, or
- Traditional survey tagging studies.

Complex habitat (this list is not comprehensive):

- Project-related survey data collected before, during, or after construction,
- Glacial moraines,
- Eelgrass meadows and other submerged aquatic vegetation,
- Tidal marsh,
- Shellfish habitats, or
- Gravel sediments.

Some data sources are presently available through regional data portals, while other data may be made available to NOAA Fisheries during the EFH consultation process for a specific project. Site characterization work as well as cod spawning studies are ongoing throughout this region and data availability will change with time.


Revised alternative
Lease areas
OCS-A 0486
OCS-A 0487
OCS-A 0500
OCS-A 0501
OCS-A 0517
OCS-A 0520
OCS-A 0521
OCS-A 0522
OCS-A 0534
71°30'W
71°20'W
71°10'W
71°W
70°50'W
70°40'W
70°30'W
70°20'W
70°10'W
70°W
69°50'W
41°40'N
41°30'N
41°20'N
41°10'N
41°N
40°50'N
40°40'N
40°30'N
40°20'N
71.33
41.33
-71
-70.75
41.2
-70.33
-70.27
41.133
-70.27
-70.17
41
41
-71.33
41.21
-71.43
41.13
71.55
41
-71.33
40.92
-71.17
40.87
-70.05
-69.93
40.83
40.83
-71.17
40.67
-71.13
40.63
40.63
-70.82
-70.72
40.55
-69.93
40.55
OCS-A 0486
OCS-A 0517
OCS-A 0487
OCS-A 0500
OCS-A 0501
OCS-A 0534
OCS-A 0520
OCS-A 0521
OCS-A 0522
0 5 10 20 30 40
Nautical Miles