



July 19, 2023

Jessica Stromberg, Chief
Environmental Branch for Renewable Energy
Bureau of Ocean Energy Management
45600 Woodland Road (VAM-OREP)
Sterling, Virginia 20166

Re: EFH Conservation Recommendations for the Revolution Wind project

Dear Ms. Stromberg,

Please accept these comments from the New England Fishery Management Council (New England Council) and Mid-Atlantic Fishery Management Council (Mid-Atlantic Council) urging BOEM to adopt NOAA Fisheries' essential fish habitat conservation recommendations (EFH CRs) for the Revolution Wind project off Rhode Island and Massachusetts. These recommendations were communicated by NOAA Fisheries to BOEM in a June 16, 2023 letter and are consistent with recommendations and concerns identified in the Councils' scoping and DEIS comments¹.

There is no public comment period associated with these EFH CRs and the Councils do not typically comment on EFH CRs separately from commenting on the DEIS. However, we are especially concerned about the potential for population-level impacts to Atlantic cod from construction of Revolution Wind. We were disappointed by BOEM's recent response to NOAA Fisheries' EFH CRs for the Ocean Wind 1 project off New Jersey and hope this letter will encourage BOEM to more seriously consider the EFH CRs for the Revolution Wind project.

As you know, the Councils are responsible for designating EFH and Habitat Areas of Particular Concern (HAPC) for the species under our fishery management plans, and partner with NOAA Fisheries on EFH consultations. NOAA Fisheries' June 16 letter describes their EFH consultation roles and responsibilities.

We especially wish to highlight NOAA Fisheries' Atlantic cod spawning EFH CRs. A recently completed stock identification study (McBride and Smedbol, 2022)² concluded that Southern New England cod are a distinct sub-population (i.e., distinct from the Georges Bank and Gulf of Maine sub-populations). This refinement to the stock structure was incorporated into stock assessments that will be peer reviewed in early August 2023. This new understanding of the stock structure means offshore wind project construction could have **population-level impacts** on the Southern New England sub-population of Atlantic cod.

¹ [210601-NEFMC-MAFMC-to-BOEM-re-Revolution-Wind-NOI](#); [221017-NEFMC-MAFMC-to-BOEM-Revolution-Wind-DEIS](#)

² McBride, Richard S. (editor) and Smedbol, R. Kent (editor) (2022). An Interdisciplinary Review of Atlantic Cod (*Gadus morhua*) Stock Structure in the Western North Atlantic Ocean. <https://doi.org/10.25923/sk1x-z919>



Based on current assessment information, all Atlantic cod stocks in this region are overfished and experiencing overfishing. The New England Council and NOAA Fisheries are managing these stocks under a rebuilding plan and the fisheries are subject to restrictive, scientifically-based management measures. As described in more detail below, we are very concerned that these rebuilding efforts will be severely compromised by construction of the Revolution Wind project if the NOAA Fisheries cod spawning EFH CRs are not fully implemented.

As described in the EFH CRs, avoiding construction in areas and seasons where spawning is known or likely to occur is the best way to minimize impacts of the project on fish behavior and spawning success. Cod rely on acoustic communication during spawning, and physical or acoustic disturbances to the seabed or water column during the spawning season could negatively impact spawning success. A multi-year BOEM-funded acoustic study conducted by NOAA Fisheries (Van Hoeck et al., 2023³) has clearly documented the importance of Cox Ledge and surrounding waters as a spawning ground. These grounds overlap the central portion of the Revolution Wind project area, and NMFS has recommended removal of turbine positions that have a high degree of overlap with these well-documented spawning sites, specifically positions 36, 37, 38, 39, 44, 45, 46, 49, and 50. These positions represent a subset of those recommended for removal under Alternatives C1 and C2 in the DEIS. Even if these positions are removed, impacts to this habitat will be unavoidable if the substation-link cable passes directly through this area as proposed. We urge BOEM to adopt NMFS' recommendation to reroute this cable around these important areas.

Time of year restrictions on construction activity during specific months of the year in which cod are known to spawn (i.e., November 1 through March 31) are key to minimize impacts. Some acoustic impacts will be minimized due to prohibitions on pile driving between January 1 and April 30 as proposed to protect North Atlantic Right Whales, however the months of November and December fall outside this window. As we read the mitigation measures for marine mammals, daytime pile driving is the default to facilitate the work of mammal observers, unless specific nighttime plans are approved. Daytime construction work will not minimize impacts to Southern New England cod as their spawning vocalization is most active during the day, as demonstrated by the acoustic study referenced above. This is distinct from other cod stocks where peaks in grunt vocalizations occur at night (Grabowski et al., 2015; Zemeckis et al., 2019).

In addition to measures to mitigate the effects of development, scientific surveys capable of identifying spawning aggregations (EFH CR4) are an essential component of NOAA Fisheries' recommendations. BOEM must rely on the best available science, i.e., the ongoing BOEM-funded acoustic research, to identify an alternative for the project that will minimize impacts to Atlantic cod.

As noted by NOAA Fisheries, the Revolution Wind project area includes large areas of extremely complex habitat and there are numerous locations that should be avoided in addition to

³ Van Hoeck, R. V., et al. (2023). "Comparing Atlantic Cod Temporal Spawning Dynamics across a Biogeographic Boundary: Insights from Passive Acoustic Monitoring." Marine and Coastal Fisheries 15(2).



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those NOAA Fisheries recommends removal for cod spawning. More specifically, for both turbines and associated inter-array cabling, we recommend removing positions B48, B52, B53, B61, and B62. There is a close correspondence between the turbine positions recommended for avoidance due to cod spawning protection and complex habitats. Other portions of the lease area where cod spawning activity has not been documented are also highly complex with high backscatter and dense boulder fields.

Given the habitat conditions at the project site, substantial boulder clearance activities will be required to construct the project. It is essential that such relocation be completed in a way that does not create obstructions to fishing operations in the vicinity. We agree with NOAA Fisheries' recommendations regarding relocated boulders, including that a detailed boulder relocation plan must be developed and approved before work begins. Boulders should be relocated to areas adjacent to similar natural habitats. Eliminating turbine positions and avoiding routing cables through the densest boulder fields would reduce the need for such extensive planning.

As previously noted, the Councils are responsible for identification of EFH and HAPC and are partners with NOAA Fisheries in EFH consultation. It is challenging for Council staff to fully engage in this process when we desire to do so given a lack of access to data and information that is shared with NOAA Fisheries as they develop EFH CRs. We request access to data viewers that show information such as backscatter, bedforms, boulder fields, etc., as well as numbered turbine positions, so that we may be a more effective partner with NOAA Fisheries' Habitat and Ecosystems Services Division on EFH consultations for this and future projects.

Please contact us if you have any questions.

Sincerely,

Thomas A. Nies
Executive Director, New England Fishery Management Council

Dr. Christopher M. Moore
Executive Director, Mid-Atlantic Fishery Management Council

cc: J. Beaty, M. Luisi, W. Townsend, K. Baker