New England Fishery Management Council

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

June 28, 2022

Bridgette Duplantis
Bureau of Ocean Energy Management
Office of Leasing and Plans
1201 Elmwood Park Boulevard
New Orleans, LA 70123

Re: Central Atlantic Call for Information and Nominations

Dear Ms. Duplantis,

Please accept these comments from the Mid-Atlantic Fishery Management Council (Mid-Atlantic Council) and the New England Fishery Management Council (New England Council) regarding the call for information and nominations on possible commercial wind energy leasing off the U.S. Central Atlantic coast (the Call). The Bureau of Ocean Energy Management (BOEM) will consider information received in response to this Call to determine whether to schedule a competitive lease sale or to issue a noncompetitive lease for any portion of the six Call Areas.

The New England Council has primary management jurisdiction over 28 marine fishery species in federal waters and is composed of members from the coastal states of Maine to Connecticut. The Mid-Atlantic Council manages more than 65 marine species[1] in federal waters and is composed of members from the coastal states of New York to North Carolina (including Pennsylvania). In addition to managing these fisheries, both Councils have enacted measures to identify and conserve essential fish habitats, protect deep sea corals, and sustainably manage forage fisheries. The Councils support policies for U.S. wind energy development and operations that will sustain the health of marine ecosystems and fisheries resources. While the Councils recognize the importance of domestic energy development to U.S. economic security, we note that the marine fisheries throughout New England and the Mid-Atlantic, including within the Central Atlantic Call Areas and in surrounding areas, are profoundly important to the social and economic well-being of communities in the Northeast U.S. and provide numerous benefits to the nation, including domestic food security. As described below, we are especially concerned about overlap of the Call Areas with locations of known and likely deep sea coral presence.

Overlap with Deep Sea Coral Habitat and Deep Sea Coral Protection Areas

Deep sea corals form important and sensitive habitats. Most deep sea corals are slow-growing and fragile; therefore, damage caused by the installation, maintenance, operations, and decommissioning of offshore wind energy projects must be avoided. As the Mid-Atlantic Council stated in a letter to BOEM in December 2021 and during the February 2022 Central Atlantic Task Force meeting, all Frank R. Lautenberg Deep Sea Coral Protection Areas, including the discrete and broad zones, must be excluded from all stages of offshore wind energy planning and development. The entirety of Call Area E and part of Call Area F overlap with the Frank R. Lautenberg Deep Sea Coral Protection Area broad zone. Placing wind energy structures in these areas, which include known and likely coral presence

[1] Fifteen species are managed with specific Fishery Management Plans, and over 50 forage species are managed as "ecosystem components" within the Mid-Atlantic Council's FMPs.

(Figure 1), would negate protections established by the Mid-Atlantic Council after a multi-year, thorough, transparent, and stakeholder driven process. The New England Council adopted a very similar deep sea coral protection area south of Georges Bank, implemented in 2021. Combined, these areas clearly indicate the high value the Councils place on conserving canyon and slope habitats over an extensive geographic area from the North Carolina/Virginia border to the Hague Line. In addition, placing wind energy structures in these protected sensitive habitats would run counter to the federal administration's goal to conserve 30 percent of America's lands and waters by 2030 through the America the Beautiful initiative.

In the Mid-Atlantic, the Frank R. Lautenberg Deep Sea Coral Protection Areas were defined based on a combination of records of coral presence[2] and habitat suitability modeling.[3] This information is summarized in Figure 1. The Mid-Atlantic Council focused on structure-forming corals when defining these areas; however, the restrictions on fishing effort also benefit other corals and other habitat types within these areas.[4] The fishing prohibitions in these areas became effective in January 2017 and include prohibitions on use of all bottom-tending commercial fishing gears (including, but not limited to bottom-tending otter trawls, bottom-tending beam trawls, hydraulic dredges, non-hydraulic dredges, bottom-tending seines, bottom longlines, pots/traps, and sink or anchored gillnets), with exemptions for transit, lobster trap gear, and red crab trap gear (81 Federal Register 90246, 12/14/2016; 50 CFR § 648.372). The prohibitions are not fishery-specific and the same restrictions apply to all discrete zones and in the broad zone.[5]

The Frank R. Lautenberg Deep Sea Coral Protection Areas extend as far south as the boundary between the Mid-Atlantic Council and the South Atlantic Council. Deep sea corals are present south of this boundary, as shown in Figure 1. We are also concerned that export cables connecting wind energy projects in Call Areas E and F to shore would cross the shelf break and would detrimentally impact sensitive habitats in those areas. Therefore, we recommend removal of the entirety of Call Areas E and F from further consideration for offshore wind energy development.

The Call announcement notes "BOEM recently funded a study that synthesized data and modeled deep-sea coral and hardbottom habitats on the OCS offshore the U.S. southeast Atlantic coast, including the deep-sea portions of the Call Area. BOEM will consider this study during Area Identification." No additional information is provided. No data, habitat information, or model results are provided. We are unaware of what information will be considered or how it will be used. It is

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[2] NOAA National Database for Deep Sea Corals and Sponges (Database version: 20211110-0). https://deepseacoraldata.noaa.gov/. NOAA Deep Sea Coral Research & Technology Program.

[3] Kinlan, B.; Poti, M.; Dorfman, D.; Caldow, C.; Drohan, A.; Packer, D.; Nizinski, M. (2016). Model output for deep-sea coral habitat suitability in the U.S. North and Mid-Atlantic from 2013 (NCEI Accession 0145923). Threshold Logistic Outputs for Alcyonacea. NOAA National Centers for Environmental Information (NCEI). https://www.ncei.noaa.gov/archive/accession/0145923.

A description of how this model was used to define the Frank R. Lautenberg Deep Sea Coral Protection Areas can be found in section 6.3.2.4 of the Environmental Assessment for the Deep Sea Corals Amendment, available at https://www.mafmc.org/actions/msb-am16.

[4] For more information, see https://www.mafmc.org/actions/msb-am16.

[5] Although these restrictions were implemented through Amendment 16 to the Mackerel, Squid, and Butterfish Fishery Management Plan, they apply to all bottom tending gear, not just for the mackerel, squid, and butterfish fisheries (with specific exclusions for American lobster, red crab, and transiting).

unclear if this information is different than that considered by the Mid-Atlantic Council when the Frank R. Lautenberg Deep Sea Coral Protection Areas were developed. The public should be given the opportunity to provide recommendations for the Call Areas based on the results of this study.

When considering currently available data on coral habitats, it is important to note that most historical coral records are presence-only and largely reflect areas that have been prioritized for deep sea coral and other benthic habitat surveys. Therefore, a lack of coral records and modeled suitable coral habitat should not necessarily be interpreted as a lack of coral presence. Many shelf and slope areas within the Call Areas and within the Frank R. Lautenberg Deep Sea Coral Protection Areas have not been adequately surveyed for the presence of deep sea corals. The habitat suitability model shown in Figure 1 relies heavily on historical records, thus a lack of modeled suitable habitat in a given area does not necessarily indicate the absence of corals or poor habitat suitability. In addition, this model does not extend as far south as the southern end of Call Area F and this should not be interpreted to mean that coral habitat is not present outside the modeled area. As previously stated, we have no knowledge of the BOEM-funded coral habitat study beyond the information provided in the Call; however, we suspect these same data limitations will impact BOEM's study. Therefore, we urge BOEM to take a precautionary approach to protecting sensitive coral habitats by excluding the entirety of Call Areas E and F from further consideration.

Overlap with Fisheries

Portions of all Call Areas overlap with important commercial and recreational fishing areas, including, but not limited to, commercial fishing for surf clams and *Illex* squid, commercial and recreational fisheries for highly migratory species, and the recreational fishing areas referred to as the Prime Fishing Grounds of New Jersey. We defer to the National Marine Fisheries Service on the appropriate data for considering overlap with commercial and recreational fisheries.

As we have stated in past comment letters to BOEM, fisheries importance should not be measured solely based on dollar value or volume of landings. Other factors including, but not limited to, number of participants, impacted communities, seasonal importance, and use (e.g., a lower value species harvested for bait in a higher value fishery) must also be considered. Areas with notable fishery overlap must be excluded from leasing, especially considering that fisheries will be impacted by the many other wind energy projects already in development along the East Coast. We are very concerned about cumulative impacts from offshore wind energy development on commercial and recreational fisheries.

General Process Concerns

As we have stated in several previous comment letters to BOEM, we are concerned about the pace and scale of offshore wind energy development along the East Coast. We understand the desire by the federal administration, many states, and the public to replace fossil fuels with renewable energy. However, as you are well aware, more than 25 offshore wind energy projects along the east coast are already in various stages of planning and environmental review. We have been disappointed with the level of environmental review for these projects to date. In addition, we have found it challenging to effectively engage in the wind energy development process at the current pace while fulfilling our existing fisheries management missions. We know many other stakeholders have also found it challenging to track recent developments and provide input into the process.

Considering the scale of currently leased areas along the East Coast, it is concerning that BOEM has not demonstrated a specific goal for energy production to which these Call Areas will contribute. BOEM should seek input from states on expected demand and the realistic technical capabilities to meet that demand.

We are also concerned that this Call asks for public input on potential future wind projects which will require technology that does not currently exist. The Call notes "technoeconomic feasibility concerns with areas beyond 1,300 meters in water depth" and states that Call Areas E and F extend eastward to between the 2,500 and 2,600-meter bathymetric contour. Wind energy projects in these areas will likely require floating foundations, a technology which is in development but not currently in use. Lastly, it has also not been demonstrated that the onshore grid can accommodate this scale of energy input, which is an ongoing challenge for many existing East Coast leases.

In conclusion, we are concerned about the scale of these Call Areas, their technological feasibility, and in particular we are concerned about potential negative impacts on deep sea corals and cumulative impacts on commercial and recreational fisheries.

We look forward to further engaging with you on this issue. Please contact us if you have any questions.

Sincerely,

Dr. Christopher M. Moore

Executive Director, Mid-Atlantic Fishery Management Council

Thomas A. Nies

Executive Director, New England Fishery Management Council

cc: J. Beaty, M. Luisi, W. Townsend, J. Bennett, A. Lefton, T. Nies

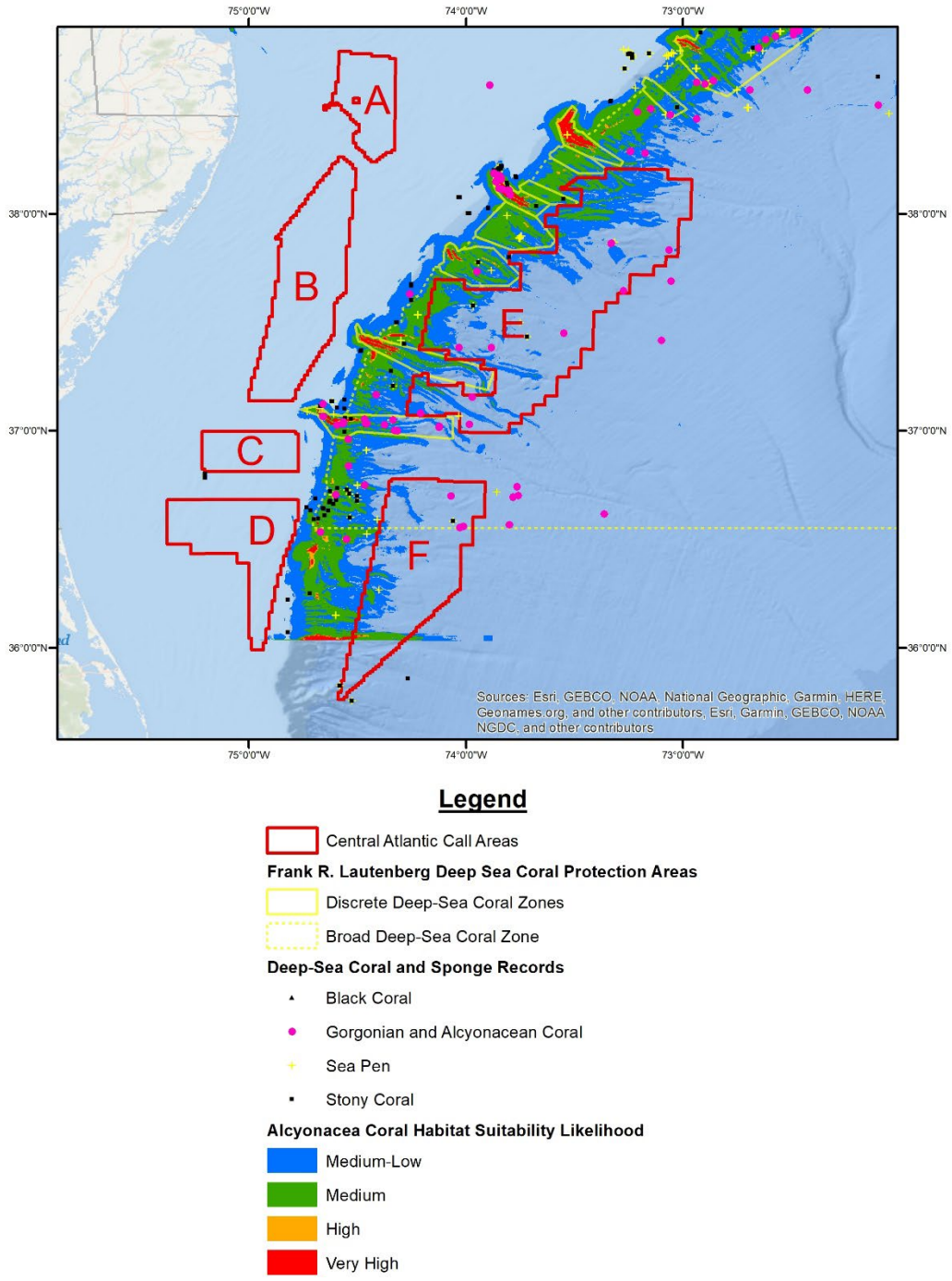

Figure 1: BOEM Central Atlantic Call Areas, Frank R. Lautenberg Deep Sea Coral Protection Areas, modeled coral habitat suitability for Alcyonacean corals (gorgonian and non-gorgonian outputs combined; expected to be the best predictor of habitat suitability for structure-forming corals),[6] and historical records of known coral presence with structure forming corals highlighted.[7] "Gorgonian and Alcyonacean Coral" includes soft coral, gorgonian coral, and stoloniferan coral.

[6] See footnote 3.
[7] See footnote 2.