Mid-Atlantic Fishery Management Council
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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman
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December 27, 2021

Bridgette Duplantis
Bureau of Ocean Energy Management
Office of Renewable Energy Programs
45600 Woodland Road (VAM-OREP)
Sterling, Virginia 20166

Re: Central Atlantic Wind Planning Areas

Dear Ms. Duplantis,

Thank you for your presentation to the Mid-Atlantic Fishery Management Council (Council) on December 13, 2021. As discussed during that meeting, we are providing additional information on the Frank R. Lautenberg Deep Sea Coral Protection Areas established by the Council. We recommend that these areas, including both the discrete and broad deep sea coral zones, be excluded from all stages of offshore wind energy planning and development. More specifically, we ask that these areas be removed from the Central Atlantic Planning Areas prior to the Task Force meeting in February 2022.

The Council defined the discrete and broad deep sea coral zones in June 2015 after a multi-year, transparent process with extensive stakeholder engagement.[1] The fishing prohibitions in these areas became effective in January 2017 and include prohibitions on use of all bottom-tending commercial fishing gears, with specific exemptions for transit, lobster trap gear, and red crab trap gear (81 Federal Register 90246, 12/14/2016; 50 CFR § 648.372). All other bottom-tending 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) are prohibited in both the discrete and broad deep sea coral zones. This prohibition is not fishery-specific and the same restrictions apply to all discrete zones and in the broad zone.[2]

The Council protected deep sea corals by restricting fishing in areas where fishing effort and prime coral habitats overlap, as well as by preventing future expansion of fishing effort into less heavily fished areas where corals are known or are highly likely to be present. The Council defined deep sea coral habitat based on a combination of historical records of coral presence[3] and habitat suitability

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

[2] 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).

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

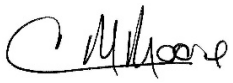
modeling.[4] This information is summarized in the attached map. The Council focused on structure-forming corals when defining the protected areas; however, the restrictions on fishing effort also benefit other corals and other habitat types within the discrete and broad deep sea coral zones.

It is important to note that the database of historical coral records is presence-only and largely reflects areas that have been prioritized for deep sea coral and other benthic habitat surveys. Many shelf and slope areas within the Frank R. Lautenberg Deep Sea Coral Protection Areas have not been adequately surveyed for the presence of deep sea corals. Therefore, a lack of records in the database should not necessarily be interpreted as a lack of coral presence. Similarly, because the habitat suitability model relies heavily on the historical records, a lack of modeled suitable habitat in a given area does not necessarily indicate the absence of corals or poor habitat suitability. The Council acknowledged this important data limitation in taking a precautionary approach by designating the broad coral zone to prevent future expansion of fishing effort into deeper waters where corals may be present, but where there has been less sampling of coral habitat compared to the discrete zones.

The Council supports efforts to mitigate the effects of climate change, including the development of renewable energy projects, provided risks to the health of marine ecosystems, ecologically and economically sustainable fisheries, and ocean habitats are avoided.[5] 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. Placing wind energy structures in the Frank R. Lautenberg Deep Sea Coral Protection Areas would negate the protections established by the Council after a thorough, transparent, and stakeholder driven process. Therefore, we recommend that BOEM exclude all Frank R. Lautenberg Deep Sea Coral Protection Areas from all stages of wind energy development, including these early stages for the Central Atlantic Planning Areas.

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

Sincerely,



Dr. Christopher M. Moore

Executive Director, Mid-Atlantic Fishery Management Council

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

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[4] 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.

[5] The full Council policies on wind energy development can be found at: https://www.mafmc.org/habitat/.

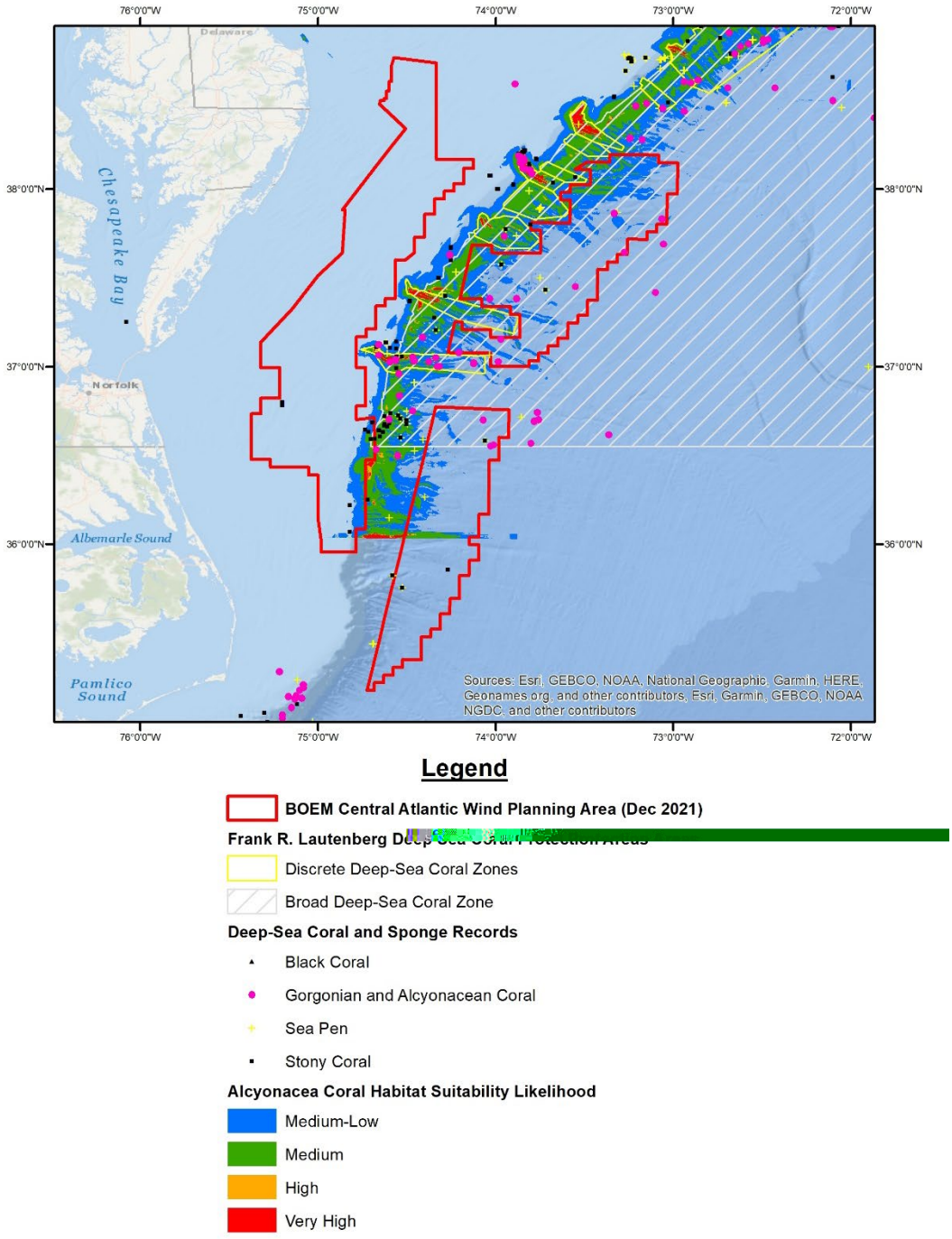

Figure 1: BOEM Central Atlantic Planning Areas (as of December 2021), Frank R. Lautenberg Deep Sea Coral Protection Areas, modeled coral habitat suitability for Alcyonacean corals (gorgonian and non-gorgonian outputs combined; expected to be the best predictor of habitat suitability for structure-forming 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 4.
[7] See footnote 3.