

## Habitat Protection and Restoration Committee Report January 24, 2021 Mr. Bob Gill, Chair

The Committee adopted the agenda (**Tab P, No. 1**) as written and approved the minutes (**Tab P, No. 2**) of the October 2021 meeting as written.

### *Presentation from BOEM on Renewable Wind Energy (Tab P, No. 4)*

Mr. Michael Celata from the Bureau of Ocean Energy Management (BOEM) presented an update on the exploration of offshore wind energy installations in the Gulf of Mexico (Gulf). BOEM is in the initial stages of identifying offshore wind leasing areas, focusing on the western Gulf for development, and collecting public input. The presentation also directly addressed questions from the Committee at its August 2021 meeting. BOEM will only restrict navigation near the wind platforms during construction, and wind platforms are required to be removed at the end of the leasing period; which is typically 30 years. BOEM does not have the authority to restrict fishing and BOEM anticipates that anglers will be able to access wind platforms similar to offshore oil and gas structures. Currently, there is no Fishery Contingency Plan which would compensate fishermen should the wind platforms or associated infrastructure interfere with fishing activities or damage gear. Mr. Celata stated that BOEM had not established a Fishery Contingency Plan and a Committee member encouraged BOEM to do so. Mr. Celata indicated that creating a Fishery Contingency Plan is not within the purview of BOEM and would require congressional action, but potentially other avenues could be investigated. Finally, he also reviewed the timeline for an associated environmental assessment which is tentatively scheduled to be completed in 2023.

The Committee asked for clarification about decommissioning a wind platform if it was deemed unproductive. Mr. Celata answered that, unlike oil and gas, wind energy is considered a renewable source, and decommission would most likely occur at the termination of the lease rather than the exhaustion of a finite energy source. Another Committee member asked what areas of research were conducted to monitor effects of offshore energy production on marine mammals. Mr. Celata indicated that BOEM will continue assess offshore impacts for all energy sources and that these investigations include recording occurrences of marine mammal in the Gulf. The Committee inquired about the maximum area that could be considered for offshore wind energy development and Mr. Celata responded that 80,000 acres are being considered for leasing. Mr. Andy Strelcheck commented that NOAA and BOEM continue to work collaboratively to address issues related to fisheries and protected resources.

BOEM staff provided a similar presentation at the December 2021 Shrimp AP meeting and Council staff reviewed that meeting summary (**Tab D No. 6**) focusing on the applicable motions. A Committee member stressed the importance of the word “complete” when discussing a motion request that joint BOEM/NOAA spatial management analyses consider the complete historical Gulf shrimp fishing effort dataset. The final AP motion requested BOEM include two shrimp industry representatives on its taskforce. Council staff stated that follow-up with BOEM staff indicated that the taskforce comprises federal, state, and tribal members, but is not an approval or decision-making body. While the Council itself does not directly meet the criteria for the

taskforce membership, a NOAA representative does sit on the taskforce and could provide fisheries insight on behalf of the Council. The Committee agreed that continued collaboration between NOAA and BOEM was necessary when progressing wind energy efforts in the Gulf.

The Committee recommends, and I so move, to request that the Council work with NMFS and BOEM to ensure that the complete historical Gulf shrimp fishing effort data set is fully included and considered as part of the collaborative BOEM/NOAA spatial management analyses for evaluating potential sites for offshore wind energy facilities and transmission lines in the Gulf.

*Motion carried with no opposition.*

The Committee recommends, and I so move, to request the Council to work with NMFS to ensure that BOEM enters into consultations with NMFS pursuant to Section 7 of the Endangered Species Act (ESA) with respect to any action BOEM takes or proposes to take to authorize offshore wind energy development in the Gulf that may affect any ESA listed species or designated critical habitat. Such consultations should begin as early in the BOEM process as possible.

*Motion carried with no opposition.*

#### ***Draft: Generic Essential Fish Habitat Amendment (Tab P, No. 5)***

Council staff provided an overview of the revised Essential Fish Habitat (EFH) amendment, and reviewed some options for structuring the alternatives to help recognize decision points for updating the Council's identifications and descriptions for EFH species and life stage. Council staff proposed structuring the alternatives by data availability since only seven species with adequate data to support more quantitative methods, or consider making decisions at the life stage level across species to reduce the number of decisions points as many species have similar levels of information available within particular life stages.

The Committee discussed the difficulty in directly relating technical information in a policy document. Committee members acknowledged that discerning what characterization was deemed essential could result in overestimation of EFH and not properly capture the purpose of the designation. The Committee inquired whether the Ecosystem Technical Committee, or any other EFH experts would be able to review the document in addition to the Scientific and Statistical Committee(SSC). Council staff indicated that the Ecosystem Technical Committee was not scheduled to be convened in the near future; however, Council staff will present maps of the spatial data layers (habitat and species occurrence) to the SSC and Council staff will include additional examples to better compare proposed alternatives. Ms. Mara Levy stated that the purpose of the document was to update the Council's descriptions of EFH within the broader management definition. A Committee member requested that more information on the modeling approaches, the associated modeling assumptions, fishery data streams, and the considered habitat spatial data layers be presented when discussing the document again. Another Committee member suggested that language in the "need statement" should be modified to

include updates reported in the 5-year reviews into the amendment. Council staff stated that the Committee requests would be addressed in the next discussion of the document.

***Draft Response Letter to NOAA for Comments on the Area-Based Management Goals related to Executive Order 14008 (Tab P, No. 6a and b)***

In December 2021, NOAA published a year-one report and on October 29, 2021 issued a Request for Information, related to Executive Order 14008, Tackling the Climate Crisis at Home and Abroad. Council staff drafted a response letter directly addressing the Request for Information and year-one report. Mr. Kevin Anson indicated he had some minor edits to the letter and would pass them along to staff. The Committee reviewed the letter and had no substantive changes.

The Committee recommends, and I so move, **to recommend the letter be sent to full Council for approval.**

*Motion carried with no opposition.*

Mr. Chair, this concludes my report.