



## **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

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Carolyn N. Belcher, Ph.D., Chair | Trish Murphey, Vice Chair  
John Carmichael, Executive Director

### **Habitat Protection and Ecosystem Based Management Advisory Panel Meeting November 1-3, 2022**

**Town and Country  
2008 Savannah Hwy  
Charleston, SC 29407**

The Habitat Protection and Ecosystem Based Management Advisory Panel (HPEAP) meeting convened at the Town and Country Inn Charleston, SC on November 1-3, 2022. Meeting agenda and overview may be found at:

<https://safmc.net/documents/2022/10/habecoapagendaoverviewnov22.pdf/>

#### ***Summary of Coral Amendment 10 Status***

Council staff provided members a brief update on Coral Amendment 10 disapproval. It was also noted that the Council received a presentation by NOAA SEFSC at the December meeting on a recent cruise which deployed ROVs in proposed SFAA. No high relief or low relief coral, no coral rubble was observed only sand mud. It was also noted the Council subsequently approved a motion at their December meeting to resubmit the Amendment.

#### ***NOAA Fisheries HCD EFH Consultation Update***

Pace Wilber, NOAA Fisheries HCD provided an update on Southeast EFH Consultation activities focused on large scale infrastructure.

#### ***Member Comments and Recommendations:***

- Money has been authorized to NMFS for additional staff to augment EFH review, but all has gone to NE to supplement wind project review. As additional money is appropriated, NMFS SE RA will continue to highlight and hopefully secure additional resources to support SE EFH review needs.
- State agencies rely on Federal partners in the review process and it would be good to see USFWS permit review numbers.
- EDNA sampling was used to determine Atlantic sturgeon spawning above dam on Cape Fear river.
- The Atlantic Coastal Fish Habitat Partnership document, Habitats of Concern, providing detailed information on ASMFC managed species, is going to ASMFC ISFMP Policy Board for review.
- While NMFS SERO HCD EFH review workload has shifted and the number of public

notices that they are unable to be reviewed has increased, HCD is still able to review and provide EFH recommendations on the vast majority of acreage in the South Atlantic by focusing on large infrastructure projects.

### ***NOAA Fisheries EFH 5 Year Review***

David Dale, NOAA Fisheries SERO HCD EFH Coordinator provided a presentation on considerations and responsibilities in an EFH 5 Year Review and provided clarification that FEP II constituted the last 5-Year Review and that the development of the EFH Users Guide constituted the first EFH 5 Year Review.

### ***Member Comments and Recommendations:***

- The South Atlantic EFH 5 Year Review is due in 2024 and AP would like to start planning for the review. An initial step would be to evaluate the current designations and determine how best to conduct the EFH 5 Year Review – options include update the User’s Guide, revisit FEP II, amend the EFH designations if needed.
- Great deal of mapping has been conducted over the past decade and it may be good to compile all in a central location. A review of this data would provide some insight into optimal habitat.
- Ecopath diet composition and expertise is available to enhance all efforts documenting update and refine information on prey as it relates to SA EFH.
- Pertaining to mapping information, the Navy is required to follow mitigation for anything in hard bottom, coral or submerged aquatic vegetation and have created a database where higher quality data is laid over lower quality data. They have a program that when sailors go out, they have to put in what activity they are going to do and where they are going to do it and the mitigations pop up so they need that database layer of where habitat is for all the east coast and Gulf of Mexico which is available and can be shared and is constantly updated.
- Suggest the AP, directed by the Council, to start planning for Spring AP meeting to have the Panel take a deep dive on one federally managed species complex and their EFH designation. Penaeid shrimp is a species complex where there is a large amount of overlap between where EFH consultations are occurring and where EFH is designated. The AP can conduct a narrowly-focused working session to engage outside experts in providing updates on the latest science on shrimp life histories with the changing climate, a review of existing EFH designations and a discussion on avenues to complete the EFH 5 Year Review. It was noted shrimp may be an appropriate species to address since it is a species already affected by climate change. The Chair requested members identify experts and available material to support the discussion at the spring meeting if approved by the Council.

### ***EFH Policy Statement on Beach Dredging and Filling, Beach Renourishment and Large-Scale Coastal Engineering***

Cindy Cooksey, NOAA Fisheries HCD, reviewed and highlighted components of the updated Policy Statement developed through the collaboration of members of the Sub Committee.

AP Action: Review and recommend the updated Beach Dredge and Fill, Renourishment and Large-Scale Coastal Engineering Policy Statement be considered for approval by the Council. The Chair and Sub Committee reviewed the Policy line by line and integrated members comments in the draft provided and reviewed and updated the draft by the Panel during the session. Additional member comments were integrated to finalize the draft provide to the Council for consideration and approval.

***Member Comments and Recommendations:***

- Members completed the review and revision of the EFH Policy Statement for Council consideration for approval.

***BOEM Offshore Wind Activities in South Atlantic Region***

Brian Hooker, BOEM, provided a [presentation](#) updating BOEM research and energy development activities with a focus on renewable energy. Spencer Hanes and Nathan Craig, Duke Energy, and Jen Banks, Total Energies provided an update on Carolina Long Bay Wind. Amanda Mayhew and Callum Yanoff, with Avangrid Renewables provided an update on development of the Kitty Hawk Offshore Wind.

Highlights: Brian Hooker, biology team lead with BOEM Office of Renewable Energy, noted 14 offshore wind leases are under review with 2 commercial scale projects approved in Federal waters off southern New England. A number of guidance documents are available on the BOEM website including but not limited to information requirements for construction and operations plans and guidance on information needs prior to going forward with Notice of Intent to prepare an EIS. In the Southeast two recent leases south of Cape Hatteras are in Carolina Long Bay Call Area. Call for information and nominations for Central Atlantic Call Areas with a number of mid-Atlantic states responding. Draft energy areas for the Central Atlantic are to be published cooperating with and National Center for Coastal and Ocean Science to provide information on what went into siting the areas. Most projects that are being reviewed at the construction and operations phase are Fast 41 projects and can be tracked in the environmental review process online through [permits.performance.gov](#). A draft Fisheries Mitigation Guidance document was published in June (including financial compensation for lost income and gear loss) and final guidance will be published this winter. In addition, a new BOEM fishing and offshore energy [website](#) is online. BOEM partnered with the National Academy of Science to establish a standing committee on offshore wind energy and fisheries, a new National Committee dedicated to fishing. Environmental Studies solicitation for study ideas to fund in FY 24 will be out shortly.

Amanda Mayhew, Permitting Manager for the Kitty Hawk Wind Project provided a [presentation](#) which noted lease areas were identified based on fish habitat and fisheries conflict areas, military use, and commercial shipping routes. Avangrid acquired Kitty Hawk Lease in 2017 for \$9 million and split it into two parts. Kitty Hawk North (40 % of lease) will encompass 69 turbine locations and proposes to make landfall in Virginia Beach. Kitty Hawk South (60% of the lease) will encompass up to 121 wind turbine positions and 2 Electrical Service Platforms with construction to begin no earlier than 2028. Kitty Hawk South started in April 2022 with landfall being evaluated for Virginia Beach, Havelock, or Atlantic Beach North Carolina. With the changing capacity will get 3,500 megawatts from the area. Record of Decision to be issued in 2024 with a projected 2027 construction start date.

Callum Yanoff, the new Fisheries Liaison for the Kitty Hawk Wind South highlighted how they were connecting with the fisheries community through development of a Fisheries Communications Plan. To get more information on the local fisheries Kitty Hawk supports outreach events and has sponsored 7 Fishing tournaments in 2022 with 9+ planned for 2023 to collect addition information and answer questions about the project. In addition, Kitty Hawk partners with recreational and commercial fisheries representatives from North Carolina and Virginia during development, design and implementation of the project. Kitty Hawk Wind is developing an effective pre and post construction Fisheries Monitoring Plan to monitor marine resources in the project area. In the next year establish research partnerships with local academic institutions using local fishing vessels and universities to conduct the research. A Meteorological Buoy was also deployed and dashboard created which has become a useful tool for local recreational fisheries.

Jen Banks, Permitting Director with Total Energy and Nathan Craig Duke Energy and environmental lead for the project with Duke, collaborated on a [presentation](#) providing an overview of Carolina Long Bay Offshore Wind Area. Total Energies Renewables USA, LLC won the 54,937-acre lease which is estimated to produce 1-2 GW and be operational by approximately 2030. Duke Energy Renewables Wind, LLC won the 55,154-acre lease which is estimated to produce 1.6 GW and be operational by approximately 2032. Both Duke Energy and TotalEnergies have developed their own Fisheries Communications Plans as a strategy for fisheries stakeholder engagement prior to and during activities and Agency Engagement Plans which were submitted October 2022. Next steps include development of surveys to support siting meteorological buoys within lease areas and preparation of Site Assessment Plan. The information in the SAP provides the basis for analysis of the environmental and socioeconomic effects of proposed site assessment or technology testing activities.

***Member Comments and Recommendations:***

- It was clarified that the Catalogue for Offshore Materials developed by TNC exclusively focuses on the scour protection and burial protection, but members noted there is an opportunity for companies to balance impacts with potential benefits with addition of new benthic structure.
- Also, members discussed how to ensure future efforts minimize impact on essential fish habitat, associated fisheries and the value of the new structures could provide new research platforms and fishing opportunity for Council managed species.
- Members raised concern over the routing into North Carolina estuaries and suggested they coordinate with others on shared routes to reduce the impact on habitat.
- Members were concerned if cables should be shielded if they cross migratory routes. It was clarified that EMF studies conducted to date have shown there was no impact to fish movement.
- From a NC Coastal Management perspective, it is recommended not going through Pamlico Sound considering it will have significant impact on coastal habitat and resources.
- Industry could investigate if blades can be made from a recyclable material and investigate

blade coloration ability to reduce bird strikes. However, blades are to last 30-35 years.

- Recommend Kitty Hawk Wind reach out to developers with Carolina Long Bay on shared cable routes to reduce adverse impacts.
- BOEM funded site characterization assessments headed up by Chris Taylor with National Centers Coastal and Ocean Science to define the original area and avoid the most delicate habitat. Members recommend industry follow up with Chris Taylor and NCCOS since it provides a good starting point to support survey planning and further identify and reduce the impact on sensitive habitat.

### ***EFH Policy Statement on Energy***

Roger Pugliese and Cindy Cooksey provided an overview of structure and components of Council's current [Energy Policy](#) that was written in 2015.

### ***Member Comments and Recommendations:***

- Considering the rapidly developing renewable wind/ energy in the South Atlantic region, the Panel recommends the Council direct the Panel to initiate an update and refinement of the EFH Policy Statement on Energy Exploration and Development.

### ***Mapping/Characterization: South Atlantic Deep Water Ecosystems***

Heather Coleman opened the session introducing the presenters and Kasey Cantwell, and Tom Hourigan provided an overview of the NOAA/BOEM/USGS/academia DEEP SEARCH collaboration on mapping and characterization of Deepwater Lophelia Reef Habitat on the Blake Plateau. They noted the long-term collaboration with the Council and providing multiple updates to the Panel as research and mapping was advancing.

Highlights are included in Tom Hourigan's [presentation](#) and Kasey Cantwell's [presentation](#):

### ***Member Comments and Recommendations:***

- Recommend the Council look at potentially expanding the Coral HAPC boundaries to include the newly discovered documented areas.
- Panel members provided comments on the research and mapping conducted in the South Atlantic region and discussed recommendations on additional research and avenues the Council may consider in the long-term conservation of these newly discovered deep-water Lophelia habitats.
- Members recommended EDNA be added to the research collection and it was noted they are already in the process of adding EDNA collection to the standard survey protocol.
- Members suggest researchers consider developing an Index of Biodiversity for the deepwater ecosystem.
- Members noted mapping has shown the initial boundaries of the Coral HAPC did an excellent job capturing the many of the deepwater habitats. However, new concentrations of deepwater corals have been discovered.
- To highlight the value of the Coral HAPC designation protecting from adverse impacts was

highlighted in recent NMFS HCD consultations with fiber optic cable companies where they indicated they were already aware of the areas and not turning in from the deep-sea placement until north of the Coral HAPC.

- The Coral AP at their next meeting be briefed on the new research and mapping and consider the Habitat AP recommendation.

### ***East Coast Climate Scenario Planning Update***

Council staff provided members an overview of the East Coast Climate Scenario Planning initiative and preliminary results of the scoping process.

Highlights are included in the [presentation](#).

### ***Member Comments and Recommendations:***

- The Panel discussed how the efforts can advance our coordination, understanding and planning to address future conditions associated with climate change in the region and coastwide.
- Members indicated at some point the team will have to prioritize scenarios or identify where species may be challenging depending on where they fall.
- Members noted climate change is already impacting species such as Atlantic Migratory Striped Bass are no longer being caught in North Carolina and black sea bass in range shift north of the NE/MA region.
- Recommend considering managing comprehensively and shift away from managing species by species to possibly management by fish guilds.
- Once completed, the South Atlantic Climate Vulnerability Assessment could help identify species vulnerability which would affect future management challenges in various scenarios.

***Thursday November 3, 2022, 9:00 am – 12:00 noon***

### ***Regional Research and Tools Supporting EFH Conservation***

Council staff noted that the Council had deferred habitat activities and work on the Blueprint due to schedule and Council priorities. Council staff will reinstate review and discussion on the Blueprint as the Council schedule permits.

Kevin Spanik and Tracey Smart, SCDNR, provided the Panel with updates on regional surveys and integration biological surveys into the developing SEAMAP-SA/SECOORA Data Portal to support long term habitat and species information needs supporting the Council habitat conservation efforts. In addition, Council staff provided a brief overview of the Habitat Section of the new website and available tools as well as an overview of the original structure of the FEP II Dashboard.

Highlights can be found in the update on regional surveys [presentation](#) provided by Kevin Spanik and the SEAMAP-SA/SECOORA Data Portal [presentation](#) provided by Michelle Willis.

***Member Comments and Recommendations:***

- Members appreciated the updates and encouraged the continued integration of this information into FEPII and other council applications.
- Members discussed the information provided in the FEP II Dashboard that is not currently available online. This information is valuable and while presently under review the Panel recommends the information be added back to the website when possible.

***Florida Keys National Marine Sanctuary Restoration Blueprint***

Beth Dieveney, NOAA, Florida Keys National Marine Sanctuary made a [presentation](#) to the Panel on the FKNMS Restoration Blueprint and the proposed rule supporting it. The Council met on September 21 and received a presentation and has requested extension to submit comments and will review draft comments in December 2022.

***Member Comments and Recommendations:***

- Given the cascading adverse impacts the Sanctuary is experiencing, the proposed rule seems to be a well-balanced approach and address the comments the Council submitted on the DEIS.
- Important to emphasize the NMS staff are actively engaged in commenting on water quality impacts which does help.
- General consensus of support for the proposed rule.