

General Council Policies on Non-Fishing Activities and Projects

The following sections highlight Council policies that apply to most or all of the non-fishing activities that are occurring in the Greater Atlantic region.

Engagement and Communication

Engage Early - Early consultation by project developers with agencies (such as NOAA Fisheries) is critical to support the planning needed for monitoring and data collection.

Early Communication - Early communication between project developers and the fishing industry(s) and other stakeholders is a critical component of conflict avoidance and mitigation. A communications strategy about the project should be developed to engage the full range of regional fishing interests.

Sustained Communication – There should be sustained communication about project activities with stakeholders (i.e., vessel presence, activities, etc.).

Coexistence - If projects are sited in areas where fishing occurs, the siting should minimize impacts on existing fisheries and fisheries resources, and should accommodate the coexistence of fishing activities in the project area.

Monitoring and Research

Before and After Environmental Monitoring - Environmental monitoring should be conducted in project areas before, during, and after project development and operations to understand the potential and realized impacts on habitat. An environmental baseline should be established before construction begins, along with a timeline that specifies when and what type of information will be collected.

Before and After Economic Monitoring - Economic baselines should be established prior to project development to evaluate a project's projected and actual impacts to fisheries, fisheries infrastructure, and fishing communities.

Monitoring Data - Project monitoring information should be reviewed for any unanticipated adverse impacts to allow remediation or mitigation measures to be considered. Monitoring data should be archived in NOAA's National Centers for Environmental Information (NCEI), regional portals, or other sites such as: <https://www.ncei.noaa.gov/> or <http://midatlanticocean.org/data-portal/>

Research - Increasing investment in research and monitoring is needed to provide a better understanding of expected impacts and support improvements in the consultation process. Dedicated funding to support habitat research should be prioritized.

Sound – Information is lacking on background ocean sound levels, how they are changing over time with increased development and maritime activities, and what the impact is on marine life. The Council supports investment in research to understand the impacts of both acute and chronic sounds on marine life.

Buffers, Restrictions, Activity and Exclusion Zones

Timing Restrictions - Project activities (exploration, construction, and operations) should be timed to occur when the fewest species, least vulnerable species, and least vulnerable life stages are present. Appropriate work windows should be established based on multi-season pre-construction biological sampling in the affected area.

Activities Restrictions – Project activities should not occur in sensitive areas, including those sensitive areas already prohibited to fishing by the Council.

Buffers - If activities with significant adverse impacts on sensitive habitat, species, or life stages are to be conducted, protective buffers should be used to prevent adverse effects.

Exclusion Zones - Guidelines should be established that specify when, where, and how marine exclusion zones can be established for project development and activities. Project developers should engage early with the Council and other site user groups to address access issues (e.g., project/operations exclusion zones), such as maritime passage, fishing, and other associated hazards (e.g., homeland security).

Effective Footprint – Projects should consider both the structural and effective footprint when evaluating habitat impacts. For all human activities and projects, the immediate structural footprint as well as the effective footprint of the activity should be considered. For example, wind facilities have a footprint associated with the actual wind turbine structures, moreover, they have an effective footprint in that they may influence currents, which can influence bottom structure (sand) through scouring and pelagic water column habitat important for eggs of squid and other species. Similarly, beyond the structural footprint of liquefied natural gas (LNG) facilities, the plants may have security buffers implemented by the Department of Homeland Security, which could limit navigation and access the fishing grounds. The effective footprint of a particular activity or project may be significantly larger than the structural footprint, thus the impact to habitat and fishing grounds may be much larger than when just considering the structural footprint of the project or activity.

Activity Corridors – Regional planning¹ is needed to limit the cumulative negative impacts on fish habitat from widespread coastal and ocean development activities. Increased

¹ In 2010, a Presidential Executive Order established a National Ocean Policy and created Regional Planning Bodies (RPBs) to coordinate and implement regional ocean planning with state, Federal, tribal, and Fishery Management Council representatives.

coordination on development activities across permitting agencies, and restricting activities to development corridors may reduce or limit cumulative habitat impacts.

Decommissioning

Decommissioning of Projects/Platforms - Decommissioning options for platforms such as those used in liquefied natural gas, oil, and wind production should be developed during project planning. However, projects should re-consult with the appropriate agencies before decommissioning to provide an opportunity for consideration of best decommissioning methods because original decommissioning options may be decades old and may not make use of best available technologies. It also allows for consideration of platforms to remain for alternative uses (e.g., oil platforms decommissioned for use as artificial reefs in the Gulf of Mexico).

Water Quality and Ballast Water

Contaminants - The Council supports practices which reduce inputs of contaminants that impact water quality and can have major deleterious effects on fishery species that utilize estuaries or coastal habitats. Chronic exposure to contaminants can cause bioaccumulation in fish species and compound impacts throughout food webs. More detailed policies on this subject can be found in the Coastal Development Policy Document.

Eutrophication - Eutrophication of estuaries and nearshore waters in the Mid-Atlantic adversely impacts fisheries and essential fish habitat. Thus the Council supports policies, projects, and investments that reduce point and non-point sources of eutrophication. More detailed policies on this subject can be found in the Coastal Development Policy Document.

Ocean Acidification - The Council supports policies, practices, and investments in research to address issues related to carbon emissions and associated ocean acidification. More detailed policies on this subject can be found in the Coastal Development Policy Document.

Ballast Water - Best management practices for ballast water exchange and/or treatment during shipping and maritime transport, should be employed to reduce the risk of ecological impacts from invasive aquatic species.