On June 14, 2018, the New England Fishery Management Council adopted the following polices related to offshore energy development, as recommended by the Council's Habitat Committee. These policies were originally developed by the Mid-Atlantic Fishery Management Council.

Council Policy on Wind Energy

Policy Goal: *The Council supports policies for US energy development including wind energy development and operations that will sustain the health of marine ecosystems and fisheries resources while minimizing the risks to the marine environment and fisheries.*

1. Best management practices[1] should be employed throughout all phases of offshore wind development and operations to avoid adverse impacts on fish habitat and to prevent conflicts with other user groups, including recreational and commercial fisheries.
2. Developers should engage early with the fishing industry and Federal and state agencies.
3. Transmission cables should not be placed in areas with sensitive fish habitat such as shellfish beds, fish spawning and/or nursery habitat areas, submerged aquatic vegetation (SAV), or hard/structured habitat.
4. The best available technology should be utilized for transmission cable installation to reduce potential impacts on aquatic ecosystems. This may include horizontal directional drilling to avoid impacts to sensitive fish habitat.
5. Transmission cables should be buried to an adequate depth to reduce conflicts with other ocean uses, including fishing operations. Cables should be monitored after installation to ensure bathymetry is restored, and after large storm/meteorological events to ensure cables remain buried.
6. Project proposals should evaluate the expected impacts from scour and sedimentation beyond the footprint of the wind facilities. These should consider changes in currents. These scour impacts should be minimized to the extent possible.
7. Wind service platforms should implement adequate fuel spill response plans and protocols[2] for support vessels and platforms, and these plans should:
    a. Include the identification of sensitive marine habitat;
    b. Include methods to track the movement of spills;
    c. Ensure adequate response equipment is immediately available; and
    d. Allow researchers to have timely access to impacted areas, as needed.

[1] Additional information on best management practices can be found in: MAFMC, 2014. Proceedings from a workshop on Offshore Wind Best Management Practices. 16 p. Available from: Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901, or online at http://www.mafmc.org

[2] Consistent with the US Coast Guard, US Environmental Protection Agency, Occupational Safety & Health Administration/HAZMAT, and other state or Federal requirements.

8. Research and monitoring should be conducted to better understand the impacts of persistent electromagnetic fields around transmission cables on aquatic species.
9. Noise generated by wind facilities should be minimized, including sounds produced during surveys (e.g., survey vessels), construction (e.g., pile driving, hammers), and operations (e.g., spinning turbines). Research and monitoring should be initiated to evaluate the short- and long-term impacts of wind facility noise on the environment/ecosystem.
10. Safety and navigation threats (e.g., radar disruption, vessel collisions, and security threats) should be routinely monitored in areas where fishing operations are permitted near wind facilities. Safety issues should be efficiently identified and addressed using best management practices.[3]
11. The Council supports the development of a compensatory mitigation fund for damages that occur to the marine environment and fish habitat as well as damages to fishing vessels, their gear, and operations/revenues, as a result of wind activities.

Council Policy on Offshore Oil

Policy Goals: *The Council supports policies for US energy development that will sustain the health of marine ecosystems and fishery resources while minimizing the risks to the marine environment and fisheries.*

2. The Council is committed to the effective stewardship of the marine fisheries and associated habitats in the New England region. The environmental risks associated with offshore oil development and operations are not consistent with the Council's vision for healthy and productive marine ecosystems supporting thriving, sustainable marine fisheries.
3. Renewable energy, if implemented in a manner which minimizes impacts on fish habitat and fisheries, may be more consistent with the Council's vision for sustainable fisheries.

If offshore oil development moves forward:

4. Best management practices should be implemented throughout offshore oil development and operations to avoid adverse impacts on fish habitat and conflicts with other user groups, including recreational and commercial fisheries.
5. Coordination should occur across regions to avoid conflicts between Highly Migratory Species fishing tournaments and oil development surveys (e.g., seismic testing).
6. Nearshore/onshore facilities associated with exploration and production (e.g., pipelines, access roads and bridges, and other structures) should not be constructed

[3] Ecology and Environment, Inc. 2014. Development of Mitigation Measures to Address Potential Use Conflicts between Commercial Wind Energy Lessees/Grantees and Commercial Fishermen on the Atlantic Outer Continental Shelf Report on Best Management Practices and Mitigation Measures. A final report for the U.S. Department of the Interior, Bureau of Ocean Energy Management, Office of Renewal Energy Programs, Herndon, VA. OCS Study BOEM 2014 - 654. 98 pp. Available at: http://www.boem.gov/OCS-Study-BOEM-2014-654/.

through areas with sensitive fish habitat such as shellfish beds, fish spawning and/or nursery habitat areas, submerged aquatic vegetation (SAV), or hard/structured habitat.

7. The need for additional dredging should be reduced by expanding or repurposing sites with existing deep water facilities, such as existing oil facilities and other industrial sites or ports.
8. Handling of oil during transportation should not occur in sensitive fish habitat.
9. Offshore oil development should not occur in sensitive habitats already prohibited to fishing, including discrete and broad areas on the Outer Continental Shelf identified by both the New England and Mid-Atlantic Fishery Management Councils for deep sea coral protection.
10. The Council encourages the use of the best commercially available technology, including horizontal directional drilling, to avoid potential impacts to sensitive habitat.
11. Monitoring and leak detection systems should be used at oil extraction, production, and transportation facilities to prevent oil from entering the environment.
12. The disposal of chemicals/contaminants used in petroleum development should be rigorously regulated. The discharge of chemicals, produced waters, drilling muds, and cuttings into marine and estuarine environments should be avoided. Frac-out plans should be developed, and produced waters should be reinjected into the oil formation, whenever possible. The physical and chemical effects of discharges on pelagic and benthic species and communities should be carefully monitored.
13. Potential adverse impacts to marine resources from oil spill clean-up operations should be weighed against the anticipated adverse effects of the oil spill itself. The use of chemical dispersants in nearshore areas where sensitive fish habitat is present should be avoided.
14. Oil production and transportation facilities should develop and implement adequate oil spill response plans and protocols[4]. These plans should:
    a. Include the identification of sensitive marine habitat;
    b. Include methods to track the movement of spills;
    c. Ensure adequate response equipment is immediately available; and
    d. Allow researchers to have timely access to impacted areas, as needed.
15. Short- and long-term impacts from sound during exploration, construction, and operation on the environment/ecosystem (including marine mammals, sea turtles, fish populations, and associated fisheries) should be evaluated and minimized using time and area restrictions.

[4] Consistent with the US Coast Guard, US Environmental Protection Agency, Occupational Safety & Health Administration/HAZMAT, and other state or Federal requirements.

16. The Council supports the development of a compensatory mitigation fund for damages that occur to the marine environment and fish habitat as well as damages to fishing vessels, their gear, and operations/revenue, as a result of offshore oil activities.