

**New England Fishery Management Council**

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

--DATE--

Proposal POC

Address 1

City, State, Zip

**Re: --Offshore Energy Project Name--**

Dear :

The New England Fishery Management Council (NEFMC) is responsible for developing management plans for various fisheries operating between Maine and North Carolina, and has designated essential fish habitat (EFH) for the species targeted by these fisheries. In recent years, NEFMC has reviewed several Draft Environmental Impact Statements and Public Notices for projects similar to that which you are proposing. The purpose of this letter is to review the major information needs and considerations related to the impact of offshore energy projects on EFH and fisheries. As you develop your Environmental Impact Statement, we hope you will address these issues.

***Essential Fish Habitat***

The 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act required Regional Fishery Management Councils to designate essential fish habitat (EFH) for all species managed under Federal fishery management plans (FMP). Section 305(b)(3) of the Act empowers Councils to consult with federal and state agencies regarding potential impacts to designated EFH. The New England Fishery Management Council (NEFMC) has designated EFH for 27 species under its jurisdiction. Current designations may be found online at <http://www.nero.noaa.gov/hcd/>. To the extent that your project impacts the sea floor, it is likely to have some adverse effect on designated EFH (Figure 1). The National Marine Fisheries Service has produced a valuable Technical Memorandum describing in some detail the nature and severity of non-fishing impacts, including various forms of offshore energy generation, on marine habitats. We encourage you to review this document early in your National Environmental Policy Act (NEPA) process; it may be found online at <http://www.nefsc.noaa.gov/publications/tm/tm209/index.html>.

***Commercial and recreational fisheries***

Commercial and recreational fisheries occur throughout the region, using a variety of gear types to target particular demersal and pelagic species. Due to the widespread nature of these fisheries, almost any project that temporarily or permanently occupies a particular area for energy extraction, utilization, or transfer of materials from sea to shore (e.g. liquefied natural gas) will have an effect on fishing operations. These effects may take many forms, from physical inaccessibility to exclusion zones. When considering your analysis of alternatives, we urge you to keep in mind the direct effects on commercial and recreational fishing due to exclusion, as well as any impacts that your activities may have on safe operation and navigation of fishing vessels. In particular, the potential for pipeline or cable exposure over time as the result of inadequate burial is of considerable concern to the fishing industry.

***Specific information requested for EFH/fisheries assessments***

Specific information that the Council would like to see presented in your NEPA document include the following. These are consistent with National Marine Fisheries Service Northeast Regional Office (NMFS-NERO) Habitat Conservation Division requirements.

1. Baseline Data (fisheries)

- Existing environmental conditions at the site
- Fish utilization and abundance by life stage
- Habitat functions and values
- Benthic features
- Sedimentation and transport
- Fisheries use

2. Regional siting analysis

- Consideration of project footprint, geography, habitat features, and existing uses of the area
- Identification of appropriate sites should be completed prior to project proposals
- Consideration of project scale – Pilot vs. Full-Scale

Other issues to consider include:

- Habitat conversion and loss
- Alteration of biological communities
- Impingement and entrainment
- Alteration of migration patterns
- Discharge of contaminants
- Siltation, sedimentation and turbidity
- Alteration of electromagnetic fields
- Alteration of hydrological regimes
- Alteration of salinity regimes
- Invasive species
- Underwater noise/acoustics

Additive and synergistic effects of multiple projects on EFH and fisheries, including those that have been formally considered, approved, or implemented, should be specifically addressed. This critical and oft-overlooked aspect of the EIS process is particularly important, as multiple small projects can result in major adverse impacts to fish habitats and fisheries.

Should you have questions regarding these comments, please contact Michelle Bachman at 508-495-2185.

Sincerely,

John Pappalardo  
Chairman

cc: Patricia Kurkul, National Marine Fisheries Service  
W. Peter Jensen, Mid-Atlantic Fishery Management Council  
John V. O'Shea, Atlantic States Marine Fisheries Commission  
State energy, fisheries, and CZM officials, as appropriate

**Figure 1 – All areas designated EFH for at least one species/life stage by the NEFMC**

