New England Fishery Management Council

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

July 2, 2021

Richard C. Kristoff
U.S. Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

Re: Blue Water Fisheries permit application

Dear Mr. Kristoff,

Please accept these comments from the New England Fishery Management Council and the Mid-Atlantic Fishery Management Council regarding the Blue Water Fisheries aquaculture project. As described in your notice, the project would install, operate, and maintain 40 submersible fish pens in two mooring grids, each grid occupying 250 acres of open water. Additional structures associated with the project include embedment anchors, associated hardware, tension lines, and buoys.

The New England Council has primary management jurisdiction over 28 marine fishery species in federal waters and is composed of members from Connecticut to Maine. The Mid-Atlantic Council manages more than 65 marine species[1] in federal waters and is composed of members from the coastal states of New York through North Carolina (including Pennsylvania). The New England Council approved an aquaculture policy in December, 2020, and the Mid-Atlantic Council is considering development of a similar policy. Generally, the Councils seek to ensure that any aquaculture projects do not have negative impacts on fishery species or their habitats and are compatible with wild capture fisheries operations. Many of the fisheries and species managed by the Councils occur in and around the identified project area. The New England Council described some of these fisheries overlaps and other issues of concern in a letter to NOAA Fisheries in December 2020, following an interagency pre-application meeting. This letter is enclosed for your reference. Below we summarize these issues briefly but ask that you consider our more detailed letter as part of our scoping comments under this notice.

The Councils are concerned about siting aquaculture operations in complex habitat types more sensitive to impact. We appreciate the developer's desire to site the project on areas of soft bottom but expect that it will require additional survey work to determine exactly where complex habits may occur at the project site. We are concerned the U.S. Geological Survey (USGS) sediment texture and

[1] 14 species (summer flounder, scup, black sea bass, bluefish, Atlantic mackerel, *Illex* and longfin squids, butterfish, Atlantic surfclams, ocean quahogs, golden and blueline tilefish, spiny dogfish [joint with the New England Fishery Management Council], and monkfish [joint with the New England Fishery Management Council]) are managed in specific fishery management plans. More than 50 additional species are managed as ecosystem components across all fishery management plans.

usSEABED databases discussed in the National Center for Coastal and Ocean Sciences' siting report may be missing areas of coarse sediment in the project area, given that these sources rely mostly on grab samples which are not well suited to identifying larger grain sizes. In addition to avoiding areas of complex benthic habitat, we are very concerned about potential intersections between the project area and spawning locations used by Atlantic cod. Our concerns regarding cod spawning are detailed in the New England Council's December 2020 letter.

The New England Council's aquaculture policy also recommends caution around siting aquaculture projects in areas with substantial amounts of fishing activity or vessel transit that could be impeded by the presence of fish cages and mooring lines. The location of project structures should be evaluated in this context. We recommend using a combination of vessel trip report (VTR), vessel monitoring system (VMS), and automatic identification system (AIS) data, since each source has limitations and gaps. Our recommendations on this issue are detailed in the New England Council's December 2020 letter. We understand that NOAA Fisheries is in the process of evaluating fishing activity based on the fishing footprints database, which relies primarily on VTR data. This analysis should be useful for determining gear types, target species, and ports potentially affected by the project.

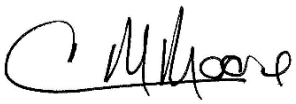
The Councils are concerned about the culture of non-native species, specifically the potential for escapement and ecological impacts on native fishery resources, including Atlantic salmon. We understand that the project will use diploid, female eggs, but remained concerned that these fish could escape from the net pens. We ask that the issue of escapement and the potential consequences thereof be fully evaluated in the NEPA analysis so that the public can understand the associated risks. In addition, we are aware of various best practices that can be employed to minimize escapement risks. Should this project be authorized, such practices should be considered when identifying specific permit conditions. The benefits of any mitigation measures and their relationship to the conclusions of the impacts determinations should be clearly laid out in the NEPA document.

We recognize that this comment opportunity is early in the environmental review process and there will be multiple additional opportunities for stakeholders to engage in the process. Given the scale of the project, and the novelty of offshore fish pen operations in the New England region, we strongly recommend evaluating the environmental effects of the project pursuant to the National Environmental Policy Act through development of an Environmental Impact Statement, as opposed to an Environmental Assessment. We encourage a robust scoping process that actively engages existing ocean users of the site. The Environmental Impact Statement process would provide important public comment opportunities at both the Notice of Intent and Draft EIS stages.

We would be happy to add a discussion of the project to the agenda for an upcoming meeting if that would be a useful forum for your staff to share information and gather fisheries-related feedback. The New England Council discusses aquaculture development issues via its Habitat Committee, and the Mid-Atlantic Council via its Ecosystem and Ocean Planning Committee. Please contact Michelle Bachman (mbachman@nefmc.org; 978-465-0492 x 120) or José Montañez (jmontanez@mafmc.org, 302-526-5258) if you need further information. We look forward to continued engagement on fisheries issues as this project moves forward.

Sincerely,

Thomas A. Nies
Executive Director, NEFMC



Christopher M. Moore
Executive Director, MAFMC

cc: Kevin Madley, Christopher Schillaci, Eric Nelson, Scott Flood

Enclosure: NEFMC letter to Lou Chiarella, GARFO, December 22, 2020