



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

March 27, 2015

Mr. Geoffrey L. Wikel, Acting Chief
Division of Environmental Assessment
Office of Environmental Program (HM 3107)
Bureau of Ocean Energy Management (BOEM)
381 Elden St.
Herndon, VA 20170-4817

RE: Public comments on Notice of Intent (NOI) to prepare a Programmatic Environmental Impact Statement (EIS)

Dear Mr. Wikel,

The New England Fishery Management Council (New England Council) submits these scoping comments on the 2017-2022 Oil and Gas Leasing Program and associated Programmatic Environmental Impact Statement (EIS). While the North Atlantic planning area off the coast of New England is not currently being considered, there are marine resources and fisheries under the jurisdiction of the New England Council that extend into portions of the proposed Mid-Atlantic program area.

The New England Council is responsible for providing management advice to NOAA Fisheries for eight different fishery management programs: Northeast multispecies (groundfish), Atlantic sea scallop, Monkfish, Atlantic Herring, Skates, Red Crab, Dogfish, and Atlantic salmon. Many of these species extend into the Mid-Atlantic and should be taken into consideration when considering the potential impacts of the proposed oil and gas leasing program.

In addition to fishing activity, there are existing Essential Fish Habitat (EFH) designations for many of these species within the proposed program area and currently the New England Council is considering updates to the existing EFH designations including the maps and text definitions for all species managed by the Council.¹ A subset of these species do extend into deeper waters, notably monkfish, sea scallop, red crab and several groundfish and skate species. For example, EFH for juvenile and adult scallops are in depths between 18-110 meters, adult red crab EFH is 200-1,800 meters, and monkfish EFH is from 25-200 meters.

¹ The New England Fishery Management Council is close to final action on an Omnibus Habitat Amendment that is considering measures to update current EFH designations as well as habitat management areas in the Northeast region. The DEIS is available at: <http://www.nefmc.org/library/omnibus-habitat-amendment-2>

The current proposed oil and gas lease area is very broad and extends from Virginia to Georgia with a 50 mile buffer from the coast that is not included in the proposed program area. Several fisheries managed by the New England Council extend beyond 50 miles from shore and there is a very important scallop management area that is partially in the northern part of the proposed oil and lease program area. Potential impacts to the marine resources in this area could be minimized if the boundaries of the program area are slightly modified. First, it may be more effective to use a depth contour as the inshore boundary since the distance to the edge of the shelf varies greatly along the east coast. Since some marine resources and associated fisheries extend into deeper waters (i.e. monkfish, scallops and red crab) a deeper depth contour should be used as the inshore boundary to help minimize potential impacts.

In addition, the scallop fishery is managed by an area rotation system. Very briefly, discrete areas are closed to the fishery when small scallops are observed, and several years later they reopen after the scallops have grown and reproduced for several years. One of these areas, the Delmarva access area, extends into the northern part of the proposed oil and gas program area (Figure 1). There is also scallop fishing farther south of this area, but in general, the Delmarva region is the southern extent of concentrated scallop fishing activity. The proposed oil and gas program area should be modified so it does not overlap with the Delmarva scallop access area to minimize these potential adverse impacts on this valuable resource.

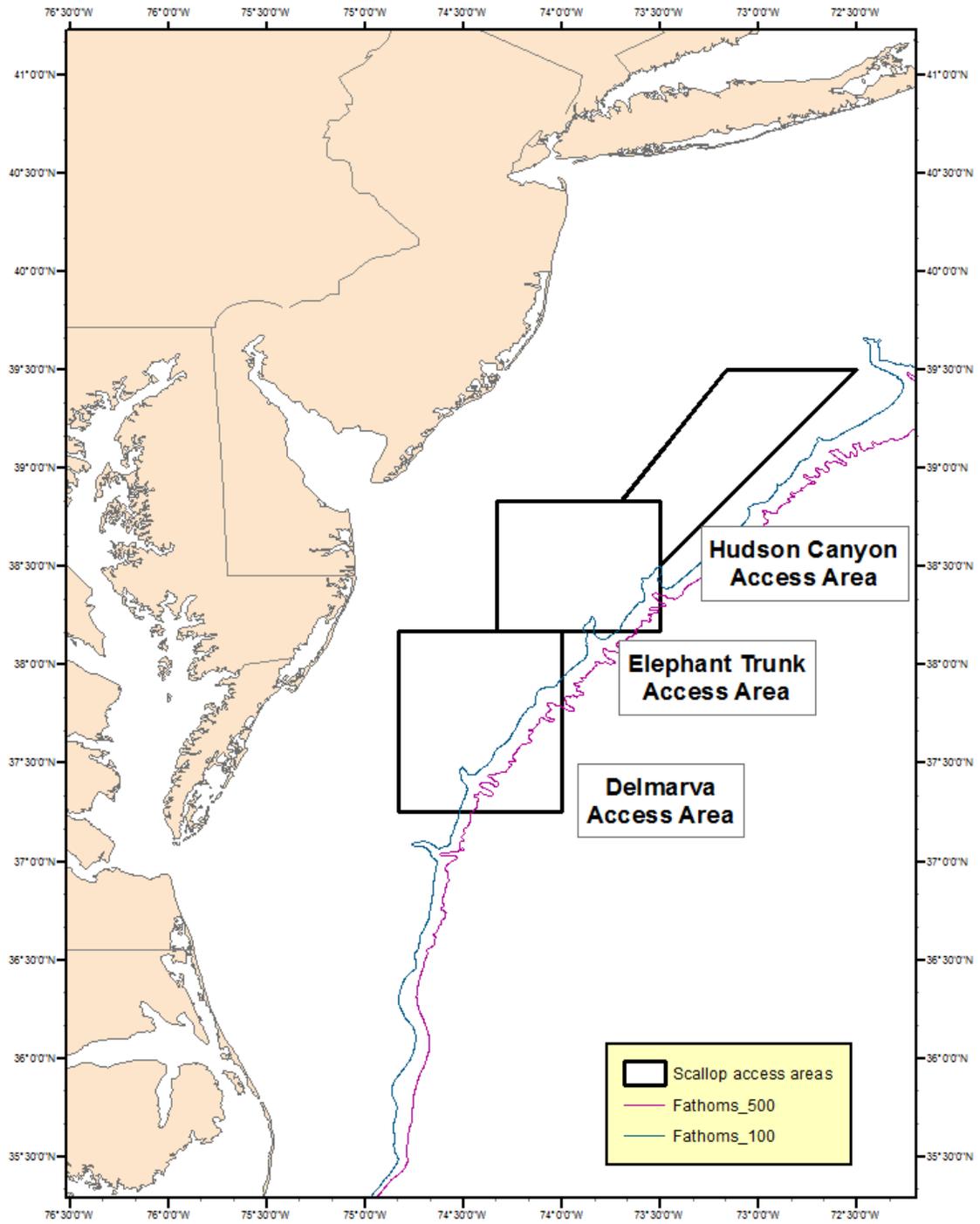
Both the short and long term impacts of activities related to oil and gas operations on marine ecosystems are uncertain and more research is needed to better understand them. If BOEM can require applicants to conduct research on these potential effects as part of the permit and mitigation process, the New England Council would support those requirements.

Sincerely,

A handwritten signature in cursive script that reads "Thomas A. Nies".

Thomas A. Nies
Executive Director

Figure 1 – Current scallop access areas in the Mid-Atlantic region



New England Fishery Management Council Graphic