



New England Fishery Management Council

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John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

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Naval Facilities Engineering Command, Atlantic
Attention: AFTT EIS/OEIS Project Manager
Code: EV22KP
6506 Hampton Boulevard
Norfolk, Virginia, 23508-1278

To whom it may concern:

Please accept these comments from the New England Fishery Management Council (Council) regarding the Atlantic Fleet Training and Testing Phase III EIS/OEIS (EIS). The purpose of this comment letter is to highlight specific concerns about assumptions and conclusions in the EIS related to Naval training and testing and their potential interactions with fisheries, fishery resources, and fish habitats. Our comments focus on sections of the draft EIS most relevant to fisheries management, namely the affected environment and description of impacts for invertebrates, fishes, and socioeconomics.

The Council is responsible for the management of fishing activities in federal waters off New England (Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut), in collaboration with the National Marine Fisheries Service, Mid-Atlantic Fishery Management Council, and Atlantic States Marine Fisheries Commission. While certain fisheries we manage are prosecuted mainly in New England waters (for example, groundfish, herring, and skates), others occur as far south as the Virginia/North Carolina border (Atlantic sea scallop, red crab). In general, the fishing grounds and fish habitats we manage align spatially with the Navy's Northeast Range Complexes.

Section 3.04: Invertebrates

The Council manages two invertebrate fisheries (Atlantic sea scallop and Atlantic deep-sea red crab) and marine invertebrates serve as habitat for target and non-target living marine resources that comprise the northeast shelf ecosystem. The American lobster, shortfin squid, longfin squid, ocean quahog, and Atlantic surfclam are the foundation of valuable fisheries prosecuted in New England but are managed by other authorities. The Council manages deep-sea coral as well, and is working to minimize fishery impacts to these invertebrate species, not only in recognition of the coral's inherent vulnerability and existence value, but also because these animals create biogenic habitat used by target fishery resources.

In section 3.04, the EIS includes reference to diverse and abundant arthropod and mollusk assemblages on the continental shelf. The Atlantic sea scallop is notably absent from the list of species on page 3.4-4, but can be quite abundant in certain habitat types, namely areas with sand and gravel sediments and depths of 18-110 meters. As documented in section 3.11 of the EIS, the sea scallop supports a very valuable fishery worth roughly half a billion dollars per year, ex-vessel. Many scallop beds are outside the Navy's OPAREAs, but the southern part of the Boston OPAREA and portions of the Narragansett Bay OPAREA are important fishing grounds for both larger (offshore) and smaller (day boat) vessels. Localized concentrations of scallops also occur in the inshore Gulf of Maine, within both sections of the Boston OPAREA. We recommend that the Navy become familiar with the locations of scallop beds and avoid activities that might impact the seabed in these areas.

While we agree with the finding in the EIS that overall impacts of training and testing on deep-sea corals are likely to be minimal, the sensitive nature of these habitats warrants very deliberate and specific avoidance of these areas during training and testing. Exploding munitions could damage corals. As noted in the EIS, most offshore detonations are expected to occur at the surface. While this makes interactions unlikely, any interactions that do occur could cause significant damage to habitat types with very long recovery times. We agree with the assessment in the EIS that a blast in the vicinity of stony corals (as well as soft and black corals) could be very damaging. Given the growth rates of some species, the 5-10 year recovery period given as an example is likely a substantial underestimate of the recovery time of these habitats. A multi-decade timescale as referenced in section 3.4.3.4 is likely more appropriate for either explosions or physical disturbances/strikes.

The description of deep-sea coral habitats on page 3.4-6 seems to better reflect southeastern U.S. coral habitats vs. those of the Mid-Atlantic and New England. In our region, reef building species such as *Oculina* and *Lophelia* are less common, and non-reef-building soft, stony, and black corals are more typical, with soft corals most common at shallower sites. Dense aggregations of coral colonies have been documented at some sites. Recent (2013-present) surveys have documented corals in all major and minor canyons off Georges Bank and the Mid-Atlantic Bight, on all seamounts in the U.S. EEZ, and in particular locations in the Gulf of Maine. Deep-sea corals in the canyons that incise the shelf break along Georges Bank and the Mid-Atlantic Bight tend to occur in depths of at least 200 m, typically deeper, extending into the deepest parts of the canyons below 2,000 m. Corals also occur on the summits and sides of seamounts. In the inshore Gulf of Maine, deep-sea corals occur on Outer Schoodic Ridge and west of Mt. Desert Rock, areas approximately 20-25 nm from the eastern Maine coast. Coral habitats are also found in Jordan Basin and Georges Basin, but these areas appear to be offshore of the Boston OPAREA.

We encourage the Navy to become familiar with the distribution of deep-sea corals, and avoid overlaps with these sensitive habitats during training and testing. The habitat suitability modeling referenced in the technical report "Building and Maintaining a Comprehensive Database and Prioritization Scheme for Overlapping Habitat Data - Focus on Abiotic Substrate" is useful for estimating the approximate footprint of coral habitats in the canyons, but the spatial domain of the model does not encompass all of the seamounts within the EEZ, and the model does not identify high suitability habitats in the Gulf of Maine, likely due to low resolution seabed data

underlying the analysis in that part of the region. Coral distributions in the New England and Mid-Atlantic regions are well documented in recent plan amendments/environmental assessments developed by the Mid-Atlantic and New England Fishery Management Councils, and we would be happy to provide the Navy with specific information based on our recent work. NMFS, a collaborating agency on the EIS, has substantial expertise in this area and is the source of most of our coral data.

We were pleased to note that recently discovered cold seep habitats are identified as occurring in the affected environment for this action (page 3.4-7). As far as we are aware, these cold seeps occur beyond water depths commercially fished, but we would nonetheless recommend avoiding impacts to known seep habitats to the extent possible, given that they are little studied but may be ecologically important.

Section 3.06: Fishes

The Council is concerned about the direct and indirect impacts of acoustic activities, including sonar and explosions, on marine mammals, fishes, and invertebrates. While the Council does not have responsibility for managing marine mammal species (section 3.07 of EIS), we recognize the role of these species in the ecosystem, and support mitigation measures to protect marine mammals in specific areas, namely the Northeast Planning Awareness Mitigation Areas and Mid-Atlantic Planning Awareness Mitigation Areas. In such areas, we understand that the Navy will avoid planning major training exercises to the maximum extent practicable and will not conduct more than four major training exercises per year (all or a portion of the exercise).

The Council is also concerned about residual from training materials (explosives, explosives byproducts, unexploded munitions, metals, and toxic expended material components) to habitats and fishes. In order to protect fishes and their habitats, as well as fishermen who may encounter training materials, we support the Navy's attempts to remove as many of these materials as possible following training and testing.

Overall, we agree with the conclusions in section 3.06 of the EIS that overall impacts to fishes will be minimal, despite the potential for spatially localized effects at certain sites, or individual fish mortality events. However, the EIS notes that explosions and acoustic impacts have greater potential to negatively affect fishes with swim bladders. Atlantic cod is a species that has a swim bladder, occurs in nearshore habitats where testing and training activities are most likely, and is currently at very low levels of abundance, based on fisheries stock assessments. We encourage the Navy to avoid testing and training activities that could negatively impact benthic fishes in habitats known to be important to Atlantic cod.

Section 3.11: Socioeconomics

In section 3.11, socioeconomics, we focused our review on commercial and recreational fishing impacts. However, we note that the affected environment of the study area could change with respect to oil and gas leasing and development over the next few years, depending on the outcome of BOEM's 5-year oil and gas planning process that will replace the 2017-2022 plan currently in effect. In addition, the Navy is likely aware, and the EIS should probably reflect, that

specific offshore windfarms are actively moving forward with site assessment activities and drafting construction and operations plans. Given these specific activities, the reference to the Smart from the Start wind energy development plans in the EIS seems overly general.

In general, we recommend that the Navy should work to ensure that training and testing activities are isolated from other activities, including fishing. With respect to fishing activity, the summary provided in section 3.11.2.4 is a good overview of commercial and recreational fishing in the Atlantic and Gulf regions, but would benefit from additional specifics. In the New England and Mid-Atlantic regions, fisheries are prosecuted from shore to the shelf break and continental slope. Both fishing activity and Navy testing and training activities are spatially concentrated within these large regions. It would be helpful to include an assessment of the likely spatial overlap between specific types of fishing activities with the locations where training and testing activities are likely to be concentrated. Fishing activities could be grouped by target species, fishery management plan, or gear type. Such an analysis would not need to be overly specific to be useful; as both fishing activities and Naval testing and training are somewhat difficult to forecast precisely, this would be challenging in any case. Fishing effort maps are available on regional ocean data portals such as <http://www.northeastoceandata.org/> and <http://portal.midatlanticocean.org/>.

In the assessment of environmental consequences, the EIS mentions that “the opportunities for Navy activities to interfere with commercial and recreational fishing are minimal because the majority of fishing would occur closer to shore” (section 3.11.3.1.1.4). This conclusion is repeated in section 3.11.3.3.1.4, which states that the majority of commercial and recreational fishing activity occurs in state waters. While we agree that nearshore areas are important fishing grounds, particularly for recreational anglers, these statements are inaccurate with regards to commercial fishing, at least in terms of volume of fish landed and value of the catch. A more rigorous analysis of potential spatial overlaps would help specify these statements, and improve the assessment of environmental consequences. We agree that fishing vessel activity is often concentrated within approximately 30-40 nm from shore, which minimizes steam time and fuel usage, and reduces the costs of fishing. These are similar to the logistical reasons given for the location of the Navy’s training and testing activities, i.e. reduced costs, proximity to onshore facilities, and shorter deployment times for personnel.

As noted above, we are also concerned about the possible retrieval of unexploded munitions by fishing vessels. While such occurrences are rare, they could have very significant consequences for those involved. The Navy should work with the Coast Guard and others to ensure that all mariners are aware of areas where munitions may be encountered, and that they know what to do if retrieval occurs. We would be happy to work with the Navy to help disseminate such information to our constituents.

Conclusion

Overall, we found the Navy’s EIS to be a thorough description of possible training and testing activities, and a detailed treatment of the potential effects of such activities on the valued ecosystem components assessed. However, the document could benefit from additional detail in the areas noted above.

Fishing and military activities have been coexisting along the Atlantic coast for many years, and will certainly continue to do so. We look forward to working with the Navy to minimize the effects of these activities on marine fisheries. Please contact me if you have questions about these comments, or if you need more information about New England fishery management plans or fishing activities.

Sincerely,

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

Thomas A. Nies
Executive Director

cc: MAFMC
ASMFC
GARFO HCD