



July 21, 2026

Geoffrey Wikel
Bureau of Ocean Energy Management
Office of Strategic Resources
45600 Woodland Road
Sterling, Virginia 20166
BOEMVAMineralLeaseSale@boem.gov

Dear Mr. Wikel,

Please accept these comments from the Mid-Atlantic Fishery Management Council (Mid-Atlantic Council), the New England Fishery Management Council (New England Council), and the South Atlantic Fishery Management Council (South Atlantic Council) on the Request for Information (RFI) regarding commercial leasing for minerals on the Outer Continental Shelf off Virginia.

The Mid-Atlantic Council manages more than 65 marine species¹ in federal waters and is composed of members from the coastal states of New York to North Carolina (including Pennsylvania). The New England Council has primary management jurisdiction over 28 marine fishery species in federal waters and is composed of members from Maine to Connecticut. The South Atlantic Fishery Management Council (Council) is responsible for management of over 64 species of finfish, crustaceans, and corals in federal waters from the North Carolina/Virginia border through Key West, Florida.²

In addition to managing these fisheries, our three Councils have enacted measures to identify and conserve essential fish habitats (EFH), protect deep sea corals, and sustainably manage forage fisheries. The marine fisheries throughout our region are profoundly important to the social and economic well-being of many communities and provide numerous benefits to the nation, including domestic food security.

General Comments

The RFI states that heavy mineral sands and phosphorites are of potential interest for mining in a large area off Virginia. However, the area shown in the RFI “is not necessarily indicative of the area that may ultimately be offered for lease.” Lease areas could be

¹ Fifteen species are managed with specific Fishery Management Plans (FMPs), and over 50 forage species are managed as “ecosystem components” across all the Mid-Atlantic Council’s FMPs.

² Species managed by the Councils are listed at the end of this letter.

identified “in or around” the RFI area. In addition, the RFI does not contain any information on the methods that may eventually be used to survey the area and extract minerals. For example, it is unclear if the extraction methods will suspend sediment and/or create sound impacts that may be of concern to our managed species, other protected species, and marine habitats. Different methods of exploration will likely have different environmental impacts; therefore, without details on the methods expected to be used, we are only able to provide general comments at this time. We will provide more detailed comments if this potential leasing process advances to later stages such as a proposed lease sale.

Several important commercial and recreational fisheries exist in and around the RFI area. Given that BOEM may consider leasing areas outside the RFI area, we will not provide details on specific fisheries of concern at this stage, as this will vary based on the areas under consideration. Several online tools exist for evaluating potential overlap with important fishery areas and habitats, such as the [Mid-Atlantic Ocean Data Portal](#), the [Northeast Ocean Data Portal](#), and the [NOAA Deep Sea Corals and Sponges Data Portal](#). However, it is important to keep in mind that these portals do not always contain the most recent information. We encourage BOEM to coordinate early and often with NOAA Fisheries (including the Greater Atlantic Regional Fisheries Office, the Southeast Regional Office, and Headquarters) to ensure all relevant data on marine habitats and commercial and recreational fishing and transit are considered, to understand the limitations of each data set, and to determine how to appropriately incorporate confidential data. More detailed information on fisheries data can be found in our prior comment letters to BOEM on offshore wind energy leasing.³

As we have said in past comment letters, risks to the health of marine ecosystems, ecologically and economically sustainable fisheries, and ocean habitats must be avoided. To the extent that risks cannot be avoided, they should be minimized, mitigated, or compensated for.

Areas to Avoid

Some impacts can be mitigated through permit conditions on a specific project. However, other effects will be best avoided by excluding them from all relevant exploration and development activities. This is not limited to the lease area but should also include areas that will be impacted by shoreside infrastructure, project related transit, and other relevant activities. The following areas should be excluded from further consideration for potential development:

³ For example, our October 2024 letter on the Central Atlantic 2 call for information is available at https://www.mafmc.org/s/2024_10-21_MAFMC-SAMFC-NEFMC-to-BOEM-CentralAtl2.pdf.

- Sensitive habitats such as wetlands, shellfish beds, fish spawning and/or nursery habitat areas, submerged aquatic vegetation (SAV), deep sea coral and sponge habitats (including all designated coral protection zones), and other hard/structured habitats.
- Important commercial and recreational fishing areas, including, but not limited to:
 - Areas identified as important based on NOAA Fisheries Footprint data and other sources.
 - Sandy ridges, lumps, shoals, and rises named on maps - the naming of these is often the result of the area being an important fishing ground.
 - Artificial reefs.
- Habitat Areas of Particular Concern (HAPCs) and Coral Habitat Areas of Particular Concern (CHAPCS).
- Special Management Zones (SMZs), including Spawning Special Management Zones (SSMZs).
- Shipping safety fairways.
- Areas without sufficient available information on fisheries and/or habitat types.

BOEM should consider an appropriate buffer distance around all the areas listed above to ensure impacts are sufficiently avoided and minimized. The appropriate buffer distance will likely vary based on the specific area and type of impact.

The RFI area is close to but does not overlap with the Coastal Virginia Offshore Wind (CVOW) lease area and the Frank R. Lautenberg Deep Sea Coral Protection Areas. We are concerned with this proximity, especially given that BOEM may consider leasing areas outside the RFI area and a sufficient buffer distance has not been established. BOEM should carefully consider how the impacts of minerals exploration and mining may interact with the impacts of the CVOW project on fisheries and habitats.

Minimization, Mitigation, and Compensation

When impacts cannot be avoided, they should be minimized, mitigated, or compensated for. This should include consideration of restrictions on exploration, extraction, and other relevant activities during times of year that overlap with important fishing seasons (such as, but not limited to, fishing tournaments) and sensitive life stages of marine species (such as, but not limited to, spawning and migration).

The Councils support the development of a compensatory mitigation fund for damages that occur to the marine environment and fish habitat as well as damages or losses to fishing vessels or their gear, or reductions in operations/revenues, resulting from extraction, exploration, and other relevant activities. The Councils also support the creation of funds to support fisheries development and research related to ecosystem changes associated with minerals mining.

Public Engagement

BOEM and project developers should engage early and often with the fishing community, including individual fishermen, fishing businesses, and recreational and commercial fishing organizations. BOEM should also engage with the Regional Fishery Management Councils, NOAA Fisheries, state marine resource and coastal zone management agencies, National Marine Sanctuaries, the Southeast Area Monitoring and Assessment Program (SEAMAP), regional science entities (e.g., the Responsible Offshore Science Alliance and the Regional Wildlife Collaborative), regional ocean observing systems (MARACOOS, NERACOOS, and SECOORA), other NGOs, universities with relevant programs and research, the U.S. Department of Defense, and any other interested stakeholders. We encourage as much public engagement and transparency as possible. Engagement should move beyond only information sharing to focus on collaboration, shared problem identification, option generation, and problem solving.

The RFI states that BOEM conducted an evaluation of “the available OCS mineral resource and environmental information pertaining to the area of interest.” BOEM should share the results of this evaluation. Detailed maps of habitat types within the area under consideration should be provided to the public, including the Councils, to assist with evaluation of potential impacts. This will help stakeholders provide input on potential impacts and identification of areas to avoid.

Other Comments

Federal and state-operated fishery independent monitoring surveys are critically important for stock assessments and setting fishery catch limits. Impacts to these surveys should be avoided whenever possible and minimized and mitigated when avoidance is not possible.

It is also important to consider that impacts of exploration, extraction, and other relevant activities will not be limited to the lease areas. There will also be impacts to nearshore and coastal areas due to infrastructure and vessel traffic. These impacts must also be considered.

BOEM should clarify if leases must be awarded to the highest cash bidder or if other mechanisms such as bidding credits may be used. For example, the offshore wind lease

auctions for the Gulf of Mexico, Central Atlantic, and Gulf of Maine allowed bidding credits for fisheries compensatory mitigation.

Conclusion

We appreciate the opportunity to provide comments to BOEM to ensure issues of social and ecological importance are considered through the next steps for this process. We look forward to working with BOEM to ensure that any relevant activities avoid and minimize impacts to the marine environment and occur in a manner that ensures coexistence with commercial and recreational fisheries.

Please contact us if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Moore".

Dr. Christopher M. Moore

Executive Director, Mid-Atlantic Fishery Management Council

A handwritten signature in blue ink, appearing to read "Cate O'Keefe".

Dr. Cate O'Keefe

Executive Director, New England Fishery Management Council

A handwritten signature in black ink, appearing to read "John Carmichael".

Mr. John Carmichael

Executive Director, South Atlantic Fishery Management Council

Council Managed Species

Mid-Atlantic Council	Atlantic mackerel, Atlantic surfclam, Black sea bass*, Bluefish*, Blueline tilefish, Butterfish, Chub mackerel, Golden tilefish, Longfin squid, Ocean quahog, Scup*, Shortfin (<i>Illex</i>) squid, Spiny dogfish*&**, Summer flounder*
New England Council	Acadian redfish, American plaice, Atlantic cod, Atlantic halibut, Atlantic herring*, Atlantic salmon, Atlantic wolffish, Barndoor skate, Clearnose skate, Haddock, Little Skate, Monkfish**, Ocean pout, Offshore hake, Pollock, Red crab, Red hake, Rosette skate, Sea scallop, Silver hake, Smooth skate, Thorny skate, White hake, Windowpane flounder, Winter flounder*, Winter skate, Witch flounder, Yellowtail flounder
South Atlantic Council	King mackerel***, Spanish mackerel****, Gulf cobia***, Common dolphin, Pompano dolphin, Bullet and Frigate mackerel, Wahoo, Coral , Golden crab, Sargassum, Penaeid shrimp, Rock shrimp, Spiny lobster***, and 55 species of Snapper Grouper
* Also managed by the Atlantic States Marine Fisheries Commission. ** Jointly managed between the Mid-Atlantic and New England Fishery Management Councils. ***Jointly Managed by the South Atlantic and Gulf Fishery Management Councils ****Co-managed with the Atlantic States Marine Fisheries Commission and jointly managed by the South Atlantic and Gulf Fishery Management Councils	