Dear Lieutenant Davis:

Please accept these comments from the New England Fishery Management Council on the Notice of Study; request for comments on Port Access Route Study: Approaches to Maine, New Hampshire, and Massachusetts (MNMPARS). We will provide more specific comments in the future on any alternative routing measures that are developed; general comments for the current study follow.

The New England Fishery Management Council (Council) has primary management jurisdiction for 28 marine fishery species under nine FMPs in federal waters and is composed of members from Connecticut to Maine. In addition to managing these fisheries, the Council has developed measures to identify and conserve essential fish habitats, protect deep sea corals, and manage forage fisheries sustainably. A primary concern of ours is safe and efficient vessel operations given the potential for future offshore wind development in the Gulf of Maine. The Council supports policies for U.S. wind energy development and operations that will sustain the health of marine ecosystems and fisheries resources. While the Council recognizes the importance of domestic energy development to U.S. economic security, it recognizes that the marine fisheries in the Gulf of Maine, along the New Hampshire Seacoast, and in Massachusetts Bay are profoundly important to the social and economic well-being of coastal communities in the Northeast US and provide numerous benefits to the nation, including domestic food security. This letter focuses on aspects of MNMPARS most relevant to New England fisheries resources, habitats, and stakeholders.

**How vessel navigation routes will change as a result of planned or potential future developments**

Several factors will likely affect routing measures in the Gulf of Maine region including warming waters, regulatory changes, and offshore wind. Several of these measures are still under development, thus, it will be important for the routing measures to be updated accordingly. Furthermore, it is important to keep in mind that past fishing activity is not representative of future fishing activity. This is explained further below.

Climate change is likely going to cause major changes in fish distributions and fisheries, with some fish moving into deeper waters, which will subsequently change where fishermen catch...
those and other species. It is possible that vessels will move into new areas to harvest the fish in which they have quota as compared to their current fishing grounds. They may also change their homeports or where they deliver the fish.

**Regulatory changes** include measures to protect Atlantic Large Whales, particularly the North Atlantic right whale, and Atlantic sturgeon. Right whale measures are developed through the [Atlantic Large Whale Take Reduction Team](https://www.fisheries.noaa.gov/whale-take-reduction-team) and a [draft Action Plan](https://www.fisheries.noaa.gov/whale-take-reduction-team) for Atlantic sturgeon was released during summer 2022. Measures to protect species covered under the Endangered Species Act and Marine Mammal Protection Act are likely to change when, where, and how fishing activity occurs, and may change how other vessel traffic interacts with the fishing industry. For example, proposed vessel speed limits to reduce ship strikes of whales could result in very different traffic patterns as merchant vessels attempt to minimize the economic impacts of speeds zones. These changes should be considered when developing the PARS.

Fishery related measures in the Gulf of Maine include those recently implemented in the Northern Gulf of Maine scallop fishery (Scallop Amendment 21). Major changes have been made to the scallop fishery which increased scallop fishing activity in the area of Stellwagen Bank. This increased fishing activity in the area during the spring of 2022, with about 3,000 trips (~108 vessels taking an average of 30 trips each) taken this year as compared to 565 trips taken by 37 vessels in 2021. Many of those vessels based out of Gloucester, MA, made daily trips to the fishing area over the course of several weeks. This illustrates how regulatory changes may change traffic patterns. While it is difficult to account for future change, the PARS should provide flexible options that allow vessels to adjust to shifts in fishing effort.

While currently most aquaculture facilities are sited in coastal waters and may create near-shore navigational hazards, there is also increased interest in developing offshore aquaculture facilities in the Gulf of Maine. It is difficult to predict the locations and size of these facilities, but it is clear they may lead to an increased number of anchored structures that will need to be considered for vessel routing. NOAA Fisheries is identifying [Aquaculture Opportunity Areas](https://www.noaa.gov/noaa-aquaculture-opportunity-areas) (AOAs) as a way to consider how and where to develop offshore aquaculture. AOAs have not yet been identified for the Northeast region, though it could be possible in the future. They will most likely be located with easy access to an existing port, which will increase the traffic in these areas.

The development of offshore wind in the Gulf of Maine is a major factor that will change where fishermen are able to fish and where NOAA Fisheries’ surveys are able to be conducted (this work is being explored through a [collaboration between NOAA Fisheries and Bureau of Ocean Energy Management](https://www.noaa.gov/collaboration-between-noaa-fisheries-and-bureau-of-ocean-energy-management)). It is critical that the MNMPARS evaluate the cumulative impacts of wind development. The Council is very concerned how the timing of the MNMPARS will line up with the wind energy area development process in the Gulf of Maine, which is occurring through BOEM’s [Gulf of Maine Task Force](https://www.boem.gov/gulf-of-maine-task-force). The task force is considering offshore wind development in the same geographic area as this PARS. The PARS is likely to be finalized in spring of 2023, while the Task Force meetings only recently resumed in May 2022. BOEM and the U.S. Coast Guard should coordinate the timing of these projects because information from BOEM’s Task Force process may help to inform assumptions made in the MNMPARS. For example, the Task Force meetings may identify the most likely locations in the Gulf of Maine for wind energy development, the likely size and locations of WEA's and lease areas, the spacing and arrangement
of turbines and other structures that might be anticipated, and the possible configuration of interarray and export cables. We recommend regularly reviewing and updating the PARS as offshore wind development progresses and as potential locations for wind arrays and export cables are identified. Without information on these issues, it will be very difficult to estimate the effects of future offshore wind development on navigation, and therefore the need for routing measures.

**Analysis of AIS data to identify vessel traffic patterns**

The PARS Federal Register notice states that AIS data were used to identify primary vessel traffic patterns for access to principal ports within the study area. We do not recommend relying solely on AIS data given not every fishing vessel has AIS, including the smaller vessels fishing in the Gulf of Maine region. Other data sources to include in identification of vessel traffic patterns are Vessel Monitoring System (VMS) and Vessel Trip Reports (VTR). It is important to note that not every vessel has a VMS unit on board (e.g., lobster fishery) and that not every vessel submits a VTR, thus, all these data sources should be examined in aggregate to gain a more comprehensive understanding of vessel traffic patterns.

This Notice does not include any specific vessel routing measures nor specific study objectives. The Council is not able to provide more specific comments given the large study area (20,500 square nautical miles) and lack of potential alternatives and specific objectives.

**Conclusion**

Again, we strongly support the Coast Guard undertaking the MNMPARS and we appreciate the opportunity to provide comments to ensure the study meets the needs of fisheries resources, habitats, stakeholders, and the scientific surveys necessary for effective fishery management decision-making. The Council looks forward to working with the Coast Guard to ensure that the MNMPARS meets its objectives so that offshore wind installations and other changes in patterns of vessel traffic offshore do not preclude the ability of the Council and NMFS to effectively manage the region’s fishery resources.

Please contact me if you have any questions.

Sincerely,

[Signature]

Thomas A. Nies
Executive Director