UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930

September 6, 2024
via Electronic Mail

John M. Searing, PE, PMP
Deputy Center Director
PICS Program Director
Plum Island Animal Disease Center
U.S. Department of Homeland Security
Science and Technology Directorate
Washington, DC

RE: Project Review Request, Essential Fish Habitat, Plum Island Animal Disease Center Undersea Cable Installation, Plum Island, New York

Dear Mr. Searing:

We have reviewed revised essential fish habitat (EFH) assessment and additional supplemental information provided to us in response to our June 21, 2024, technical assistance letter for activities related to a new 3.5 inch diameter undersea utility cable between Orient Point, New York (NY) and the Plum Island Animal Disease Center (PIADC) on Plum Island, NY. The Department of Homeland Security (DHS) Science and Technology Directorate (S&T) is the lead agency for the National Environmental Policy Act (NEPA) process and for the required EFH consultations under the Magnuson Stevens Fishery Conservation and Management Act (MSA) and the Fish and Wildlife Coordination Act (FWCA).

Plum Island currently receives electrical service and fiber optic communications capabilities through two existing undersea cables from Orient Point, referred to as the M1 and M2 cables. Each cable, which measures approximately 11,000 feet, supports 13.2 kilovolts of service. The expected lifespan of these cables is approximately 25 years, which the M1 cable has exceeded and the M2 cable is near exceeding. Although the PIADC is planned to be closed and decommissioned, continued electrical and communication capabilities are necessary during the length of the closure activities (i.e., five to seven years).

The proposed project includes the abandonment of one of the existing undersea utility cables in place and the installation of a new cable spanning Plum Gut and Long Island Sound. Installation of the new utility cable includes connecting the cable to the existing cable vaults, trenching through existing beach sand and shoreline riprap (up to approximately 500 feet at Orient Point and 200 feet at Plum Island), running the cable underground, and then bottom laying the cable through Plum Gut. Project disturbances assume approximately 0.14 acres of temporary disturbance to shallow subtidal and intertidal areas due to trenching and approximately 0.25 acres of permanent disturbance to sand or cobble/gravel subtidal areas associated with the laydown of the new cable. While the final design of the installation is in development, DHS S&T anticipates the construction process will take approximately four to six weeks for each

onshore/trenching portion and four to seven days for bottom-laying. Project activities are anticipated to occur between September and March in 2024 or 2025.

Magnuson Stevens Fishery Conservation and Management Act

As discussed in our previous letter, the MSA and the FWCA require federal agencies to consult with us on projects such as this, which may adversely affect EFH and/or result in modifications to a natural stream or body of water. In turn, we must provide recommendations to protect, conserve, and enhance EFH and other NOAA trust resources. These recommendations may include measures to avoid, minimize, mitigate, or otherwise offset adverse effects on EFH and other NOAA trust resources resulting from actions or proposed actions authorized, funded, or undertaken by that agency. This process is guided by the requirements of our EFH regulation at 50 CFR 600.905, which mandates the preparation of EFH assessments and generally outlines each agency's obligations in this consultation procedure.

We also discussed that the project area has been designated as EFH for a number of species including but not limited to Atlantic butterfish (*Peprilus triacanthus*), Atlantic herring (*Clupea harengus*), Atlantic mackerel (*Scomber scombrus*), black sea bass (*Centropristis striata*), bluefish (*Pomatomus saltatrix*), longfin inshore squid (*Doryteuthis pealeii*), red hake (*Urophycis chuss*), scup (*Stenotomus chrysops*), summer flounder (*Paralichthys dentatus*), windowpane flounder (*Scophthalmus aquosus*), winter flounder (*Pseudopleuronectes americanus*), several species of skates, and several highly migratory species including the Atlantic stock of smoothhound shark complex and sand tiger shark (*Carcharias taurus*). Plum Gut has also been designated as a Significant Coastal Fish and Wildlife Habitat by the State of New York and provides important habitat for a number of NOAA trust resources that we seek to conserve under our FWCA authorities, including striped bass (*Morone saxatilis*) and American lobster (*Homarus americanus*), which is designated as Species of Greatest Conservation Need (SGCN) in NY State.

We previously expressed concern about the lack of habitat information in your EFH assessment. This information is needed to understand and assess the impacts of the proposed project on EFH and other NOAA trust resources. Specifically, we expressed concern with the potential impacts to submerged aquatic vegetation (SAV) beds and other sensitive benthic habitats such as complex hard bottom (i.e., gravels and rock substrates, shell substrates and other areas of high habitat heterogeneity) that may exist within the project area. As discussed during a July 8, 2024, meeting, additional details, including a detailed habitat survey and finalized site plans, will be unavailable until a contract is awarded following NEPA compliance. However, you provided us with a copy of the Draft Environmental Assessment (EA), Draft Finding of No Significant Impact and Finding of No Practicable Alternative (FONSI/FONPA), revised figures, and the best estimated disturbance areas based on the information available.

Although, project components are still under development, we appreciate that a number of best management practices (BMPs) are anticipated to be incorporated into the project. Such BMPs include but are not limited to storing trenched materials in contained upland areas, abandoning the existing cable in place, using the existing cable corridor for placement, and adhering to spill and vessel response plans.

Based on the new information, it appears as though impacts to SAV are no longer a concern due to the distance between the proposed trenched areas to mapped beds (i.e., 600 feet at Plum Island and 490 feet at Orient Point). However, it remains unclear if complex bottom habitats may be disturbed. The New England Fisheries Management Council (NEFMC), in coordination with the Mid-Atlantic Fishery Management Council (MAFMC), define "complex habitats" to include all habitats with a 10% or greater gravel component or those containing any percentage of cobbles or boulders. Further information on the importance of complex hard habitats (i.e., gravels) and the potential for adverse effects from disturbance can be found in the EFH designations and literature cited in the NEFMC Omnibus Habitat Amendment 2 and individual fisheries management plans found on the MAFMC website.

As indicated in the documents provided, project activities will first include pre-installation surveys to create a hydrographic map showing bottom contours and exact locations of the existing power cables and other obstructions within the proposed cable corridor. We recommend that the deliverables created following the pre-installation survey, including but not limited to revised site plans, methods, and best management practices, and any additional measures to avoid and minimize impacts to the aquatic environment, be provided to us for review at least 30 days prior to installation and laying of the cable. EFH consultation may also need to be reinitiated should the anticipated project disturbances be greater than indicated in the revised EFH assessment, complex bottom habitat be disturbed, or if any boulders are identified that will need to be moved prior to placing the cable.

Essential Fish Habitat Conservation Recommendations

Pursuant to Section 305(b)(4)(A) of the MSA we request that you adopt the following EFH conservation recommendations to minimize or offset adverse impacts on EFH:

- Provide us with a copy of the deliverables created following the pre-installation survey, including but not limited to revised site plans, methods, best management practices, and any additional measures to avoid and minimize impacts to the aquatic environment, at least 30 days prior to the installation and laying of the cable.
- Reinitiate consultation, should the anticipated project disturbances be greater than anticipated, if complex bottom habitat may be disturbed, or if any boulders are identified that will need to be moved prior to placing the cable.

Please note that Section 305(b)(4)(B) of the MSA requires you to provide us with a detailed written response to these EFH conservation recommendations, including a description of measures adopted by you for avoiding, mitigating, or offsetting the impact of the project on EFH. In the case of a response that is inconsistent with our recommendations, Section 305(b)(4)(B) of the MSA also indicates that you must explain your reasons for not following the recommendations. Included in such reasoning would be the scientific justification for any disagreements with us over the anticipated effects of the proposed action and the measures needed to avoid, minimize, mitigate, or offset such effects pursuant to 50 CFR 600.920(k). This response must be provided within 30 days after receiving our EFH conservation recommendations and at least 10 days prior to final approval of this action. Please also note that

further EFH consultation must be reinitiated pursuant to 50 CFR 600.920(j) if new information becomes available, or if the project is revised in such a manner that affects the basis for the above determination.

Conclusion

We look forward to your response to our EFH recommendations on this project. As always, please do not hesitate to contact Jessie Murray in our Highlands, NJ field office at (732) 872-3116 or by email (Jessie.Murray@noaa.gov) if you have any questions or need assistance.

Sincerely,

Louis A. Chiarella
Assistant Regional Administrator
for Habitat and Ecosystem Services

cc:
GARFO PRD – E. Carson-Supino
GARFO HESD – K. Greene
DHS – K. Poli
AECOM – N. Kisak
USACE – S. Ryba
USFWS – S. Papa
EPA Region II – M. Finocchiaro
NYSDEC – J. Socrates, C. Bauer
MAFMC– C. Moore
NEFMC– C. O'Keefe
ASMFC– R. Beal