REGION 2
NEW YORK, N.Y. 10007

February 12, 2026

Lou Chiarella, Assistant Regional Administrator
Habitat and Ecosystem Services Division
National Oceanic and Atmospheric Administration (NOAA)
National Marine Fisheries Service
Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930

RE: **Response to Comments under the Magnuson-Stevens Fishery Conservation and Management Act for the Continued Use of the Historic Area Remediation Site (HARS)**

Dear Mr. Chiarella:

Pursuant to Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act, the U.S. Environmental Protection Agency (EPA) is providing this letter in response to the comments made by the National Marine Fisheries Service (NMFS) via a letter dated January 22, 2026. As previously indicated to NMFS, the EPA intends to modify the Historic Area Remediation Site (HARS) designation to allow for continued management of maintenance muds in a restricted area of the northeast portion of the HARS and to authorize the creation of habitat features elsewhere in the HARS where remediation has been completed (Proposed Action). The Proposed Action is an economically and environmentally feasible option to provide sufficient ocean management capacity for the anticipated volumes of dredged material meeting the current HARS criteria anticipated over the next 20 years.

The EPA appreciates the input provided by NMFS on the Proposed Action and has carefully considered the comments received. We acknowledge the suggestion made by NMFS to refrain from changing the designation of the HARS to being suitable for the creation of habitat features until a comprehensive plan is developed to assess habitat value and fish use. However, EPA has decided to retain the Proposed Action as previously articulated. We acknowledge that baseline data characterizing fish usage of the HARS area was not collected prior to remediation; habitat enhancement was not the original intention of placement of materials at the site. However, monitoring has shown that over time the placement of remediation material, specifically rock, glacial till/clay, and sand has inadvertently introduced relief and hard bottom habitat within the HARS.

It is well established that introduced hard bottom materials and changes in topography can have a beneficial impact on fish species that normally use such habitat for shelter or foraging (Ross et al. 2016; Grothues et al 2021) and can potentially establish a “reef effect” (Claudet and Pelletier 2004; Degraer et al. 2020; Chong et al. 2023; McQueen et al. 2025). Recent studies have found diversity and abundance of encrusting organisms to be similar on rock features within the HARS to artificial reefs outside of the HARS (INSPIRE Environmental 2021). Several studies of fish habitat usage have been conducted at the HARS (Fabrizio et al. 2005; 2013). These studies confirmed that demersal EFH species prefer areas of higher substrate heterogeneity and topographic complexity within the HARS and that black sea bass strongly utilized coarse-grain dredged material (primarily rock and clay/till) features in depths <27.5m, with some individuals

residing at such features for 4 to 6 months. Video surveys conducted at the HARS have documented that black sea bass, cunner, tautog, ling and other species are utilizing and residing in habitat characterized by dredged material (primarily rock and clay/till) features. These findings provide insights as to how features constructed with native dredged materials can function as fish habitat within the HARS and serve as the basis for our expectation that features resulting from the Proposed Action will serve as fish habitat.

EPA recognizes that NMFS has raised no objections to the continued placement of HARS-suitable dredged material within the boundaries of the site. As we have discussed at our HARS Scientific Review Panel (SRP) meetings, EPA and USACE plan to conduct multi-year monitoring consistent with the recommendations in your letter to characterize and quantify fish usage before and after implementation of the Proposed Action, so that the effectiveness of this management can be assessed. The specific elements of this monitoring program will be discussed with the involvement of NMFS and other stakeholders in future SRP meetings and will be written into the Site Management and Monitoring Plan (SMMP) that will be developed for the HARS. Through the SMMP and ongoing collaborations with the SRP, EPA believes we will satisfactorily address the concerns and recommendations provided by NMFS.

The EPA appreciates the recommendations and input provided by NMFS and looks forward to continued discussions with your office to ensure the protection of EFH and to maximize the effectiveness of the Proposed Action. Should you have any questions or comments about this response to your recommendations, please contact me at reiss.mark@epa.gov or (212) 637-3799.

Sincerely,

Mark Reiss

Digitally signed by Mark Reiss
Date: 2026.02.12 16:51:30 -05'00'

Mark Reiss
EPA Region 2
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Cc: S. Nyer, EPA Region 2
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