New England Fishery Management Council
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Daniel Salerno, *Chair* | Cate O'Keefe, PhD, *Executive Director*

March 10, 2026

Commander
U.S. Army Corps of Engineers
New England District
50 MacArthur Ave
Devens, MA 01434

Dear Commander:

Please accept these comments from the New England Fishery Management Council (Council) on the application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1900 for a mussel farm southwest of Martha's Vineyard. These comments are intended to inform the U.S. Army Corps of Engineers' consideration and evaluation of the impacts of the proposed mussel farm. Below, we provide specific comments on this project; we are also enclosing the Council's aquaculture policy, which was approved in December 2020.

The project proposes a commercial-scale mussel farm in Rhode Island Sound based on siting and design considerations and engagement with the NOAA National Centers for Coastal Ocean Science (NCCOS) and the U.S. Coast Guard. Specifically, the project proposes a combined 2,340-acre site (two, 1,175-acre gear footprints), approximately 17.5 nm from Newport Harbor, ~8 nm from Aquinah, ~4 miles from the Revolution Wind lease site, at a depth of 36.5-42.5 m.

Fisheries overlap

We are concerned about the overlap between the proposed mussel farm and commercial and recreational fishing activity in the Southern New England region. The proposed two rectangular areas with anchoring systems across each and the vertical lines in the water are of substantial concern for mobile gear fishing and the for-hire fleet and their ability to navigate around additional vertical lines in the water and ability to access historical fishing locations and anchoring sites. Aquaculture gear is suspended below the surface such that smaller vessels should be able to pass over it while vessels with deeper drafts would need to go around the site. Based on the Northeast Ocean Data Portal, the fisheries that are likely to be impacted by the proposed mussel farm project based on medium - high vessel monitoring system (VMS) data activity from 2015 – 2019 include: Declared Out of Fishery (DOF), monkfish, scallop (with lower range of medium – low), ocean quahog, squid/mackerel/butterfish (with higher part of range as high), and overall medium-high to high VMS transit density (>= 5 knots and >= 6 knots). This is important because the overlap with fishing activity could result in the inability to fish in these areas and additional safety risks. There are three, 180 m fairways that separate groups of aquaculture units and a narrow gap between the two large gear footprints, though this is unlikely to be insufficient space for mobile gear fishing between these areas. The project's

environmental assessment should consider more recent fishing data and should specify whether, and to what extent, fishing activity would or would not continue as a result of any mussel farm development in the area.

The Council's aquaculture policy recommends caution around siting aquaculture projects in areas with substantial amounts of fishing activity or vessel transit that could be impeded by the presence of fish cages and mooring lines. In terms of characterizing fishing activity, we recommend using a combination of vessel trip report (VTR), vessel monitoring system (VMS), and automatic identification system (AIS) data, since each source has limitations and gaps. Furthermore, more recent fishing activity data should also be considered for an evaluation of any environmental impacts. Desktop analyses should be combined with discussions with participants in potentially affected fisheries to understand patterns of activity in more detail. We have found that looking at both catch and revenue information is useful to provide a more complete perspective on activity, because some fisheries are higher volume and some are higher value.

VMS data are useful for showing where many types of fishing vessels are located, but do not cover all fleets. Filtering VMS data for vessel speed can better indicate locations likely to represent fishing activity, and different filters are appropriate for different gear types. With the aquaculture gear generally below the surface, it may be that transiting vs. fishing near the net pens and mooring system would pose distinct concerns, which might vary by type of gear (fixed or mobile). If this is the case, it would be useful to distinguish transiting vs. fishing behavior as clearly as possible.

VTR data provides much more information including landings by species and are readily linked to dealer data to estimate ex-vessel revenues. The Greater Atlantic Regional Fisheries Office's (GARFO) and the Northeast Fisheries Science Center's (NEFSC) fishing activity analysis tool uses the VTR- and observer-based 'fishing footprints' data products. While the tool was developed for offshore wind siting analysis, it should be possible to evaluate fishing information for any set of coordinates.

Proximity to other ocean uses

In addition to concerns about the overlap of fisheries, the proximity of the proposed aquaculture farm to offshore wind development is another concern that should be evaluated as part of environmental impact assessment. Specifically, we are concerned about the cumulative impact to fisheries if fishing activity and/or transit is relocated or concentrated elsewhere to avoid offshore wind, which could shift fishing effort and activity to the proposed mussel farm area. The spatial squeeze from offshore wind and other proposed and planned marine activities should be addressed and accounted for in the NCCOS spatial siting model and when evaluating environmental impacts. If cumulative impacts are not adequately avoided or minimized, there is the possibility for increased gear conflict that historically may not have been present in the region.

Transit concerns

The proposed mussel farm overlaps with important transit areas for commercial and recreational fishing, specifically medium – high to high VMS vessel activity over 2015-2019 (based on the Northeast Ocean Data Portal). The project presentation provided to the Council's Habitat Advisory Panel and Committee in September 2025 noted that the Navigation Safety Risk Assessment is under development; we recommend adjusting the location of the two gear footprint sites based on the results of this risk assessment. Furthermore, the navigation safety risk should address the context of other marine activities and the spatial squeeze offshore and impacts to transiting to/from important ports in the Southern New England region. Specifically, AIS data

show moderate overlap with transit to and from Martha's Vineyard and Nantucket Islands, Montauk, Rhode Island, and New Bedford areas, which are important fishing areas and landing sites.

During the Council's 2025 Habitat meeting, Council staff also heard that there could be some flexibility to revise the project design, namely adding a larger transit lane between the two gear footprints. We recommend further evaluating this possibility and discussing this with both commercial and recreational fishing industry members to understand if this is desired and, if so, the size of any transit lane given mobile gear fishing might require larger space than the for-hire fleet, for example.

Overlap with Habitat Area of Particular Concern (HAPC)

The overlap with the Southern New England HAPC, which is a subset of essential fish habitat (EFH), should be thoroughly analyzed. We are concerned about potential intersections between the project area and spawning locations used by Atlantic cod. The Council has enacted many restrictions on harvest, including catch limits and spatial and temporal fishery closures, to protect the resource. We know that cod are sensitive to physical and acoustic disturbance when aggregating to spawn[1]. We also know that they exhibit site fidelity, returning to specific seafloor features over multiple years[2]. While an aquaculture installation might have a relatively small footprint, it would nonetheless be problematic if one of the installations were located on or close to one of these features.

For baseline environmental surveys, we suggest that NOAA's GARFO habitat staff be included in conversations about seafloor mapping efforts to ensure that the data gathered are useful for evaluating potential impacts to EFH and HAPC. In the context of offshore wind development, GARFO has developed habitat mapping recommendations that should allow us to understand seafloor characteristics in project areas in relation to the sorts of habitat features used by fish and shellfish species. These recommendations (which we have shared via our offshore wind website) include suggested substrate classifications under the Coastal and Marine Ecological Classification Standard (CMECS) framework. Aquaculture projects are developed within smaller areas than offshore wind farms, so the wind-oriented recommendations may not map exactly to this issue in terms of spatial scale, but we expect many elements of those recommendations to be useful in an aquaculture context.

Other comments

- The overlap in habitat with protected species, namely the North Atlantic Right Whale, should be critically evaluated given the ongoing state and federal policies to reduce the number of vertical lines in the water to reduce whale entanglement risk from fishing gear. The proposed project area is either overlapping or adjacent to the following North Atlantic Right Whale habitat areas: Atlantic Large Whale Take Reduction Plan Regulated Waters, South Island Restricted Area, and the North Atlantic Right Whale Seasonal Management Area.
- When assessing the impacts of the proposed activity, the document should clearly describe the rationale for the project footprint size and if smaller and/or different

[1] Dean, M., W. Hoffman and M. Armstrong (2012). "Disruption of an Atlantic Cod Spawning Aggregation Resulting from the Opening of a Directed Gillnet Fishery." North American Journal of Fisheries Management 32: 124-134.

[2] Zemeckis, D. R., W. S. Hoffman, M. J. Dean, M. P. Armstrong and S. X. Cadrin (2014). "Spawning site fidelity by Atlantic cod (Gadus morhua) in the Gulf of Maine: implications for population structure and rebuilding." ICES Journal of Marine Science 71(6): 1356-1365.

configurations of gear footprints could be considered. During the 2025 Habitat meeting, staff recall that the total size was based on the minimum area that would be economically viable; if this is true, this should be clearly stated.

- We recommend preparing an Environmental Impact Statement versus an Environmental Assessment to more thoroughly evaluate and analyze environmental impacts given the aforementioned anticipated impacts.
- Lastly, we recommend avoiding areas with substantial impacts to commercial and recreational fishing activity and transit, and if adverse impacts cannot be avoided, then we recommend micrositing project areas to minimize impacts and consideration of mitigation for impacts that cannot be avoided or microsited. Additionally, the NCCOS siting model should fully describe the specific fisheries and transit data layers used to evaluate any co-occurrence and impacts and should also include alternative siting locations to evaluate any tradeoffs in impacts.

We appreciate the opportunity to provide feedback to USACE on the proposed mussel farm off Martha's Vineyard. Please contact Jenny Couture (jcouture@nefmc.org) on my staff with any questions.

Sincerely,

Cate O'Keefe
Executive Director