

## CORRESPONDENCE





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 01930-2276

**DEC 4 - 2019**

Regina Lyons, Manager  
Ocean & Coastal Protection Unit  
United States Environmental Protection Agency  
Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Dear Ms. Lyons,

We have reviewed your letter, dated September 18, 2019, regarding the proposed designation of the Isles of Shoals North (IOSN) Ocean Disposal Site. In your letter, you have requested initiation of consultation pursuant to Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) for potential impacts to essential fish habitat (EFH). A Proposed Rule was published in the Federal Register on September 18, 2019 (84 FR 49075). In addition to the Proposed Rule, the EPA has released for public review a Draft Environmental Assessment (EA) and Evaluation Study for Designation of an Ocean Dredged Material Disposal Site (ODMDS) and an EFH assessment for the action in August 2019. The designation of IOSN as an ODMDS will allow for the disposal of dredged material primarily generated from dredging projects in the vicinity of southern Maine, New Hampshire, and northern Massachusetts. This action is necessary to maintain safe navigation of authorized federal navigation projects and for other permitted dredging projects in the region. Furthermore, we understand that the designation of an ODMDS does not authorize disposal at the site, but will be the responsibility of the U.S Army Corps of Engineers' existing regulatory processes under Section 10 of the Rivers and Harbors Act, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection Research and Sanctuaries Act.

The MSA and the Fish and Wildlife Coordination Act require federal agencies to consult with one another on projects such as this. Insofar as a project involves EFH, as this project does, this process is guided by the requirements of our EFH regulations at 50 CFR 600.905, which mandates the preparation of an EFH assessment and generally outlines each agency's obligations in this consultation procedure. We offer the following comments and recommendations on this project pursuant to the above referenced regulatory process.

According to the EFH assessment, the projected dredging needs for the area were calculated to be approximately 1.5 million cubic yards of material over the next 20 years. Placement events (on a year-to-year basis) would be infrequent as the projects within southern Maine, New Hampshire, and northern Massachusetts draw area are each anticipated to be dredged only once during the projected, 20-year period. While open water disposal alternatives exist, the projected dredging quantity needs significantly exceed the capacity of available practicable alternatives. The designation of the IOSN site would allow dredged material found to be suitable by regulatory agencies for open water disposal to be placed at the site. The sources of the dredged material would be from federal navigation and private dredging projects within the draw area.



You have determined the potential impacts to EFH from the disposal of dredged material to include changes in the chemical and physical properties of the water column, changes in sediment types, and changes in water depth. In addition, changes in the abundance and/or distribution of benthic prey species may also result from placement activities. Disposal activities are also likely to have some temporary impacts to federally-managed species present at the proposed disposal site. In particular, demersal species such as flounders will experience greater impacts than pelagic species, and eggs and larvae will experience greater impacts than juveniles and adults. The species with the most potential to be adversely affected by disposal would be those that have demersal eggs and larvae. Demersal eggs and larvae are likely to be buried as dredged material is dumped at the disposal site. Species that have planktonic eggs and larvae in the water column may also be injured or killed as they encounter the mass of material released from the scow. However, we have determined the adverse effects to these federally-managed species are expected to be minimal over the 20-year period of the IOSN designation.

Structurally-complex habitats, including mixed sand and gravel, and rocky habitats (i.e., gravel pavements, cobble, and boulder) are identified as EFH for juvenile and adult Atlantic cod. As described in the EA and EFH assessment, the bottom substrate within the proposed IOSN disposal site are primarily composed of fine-grained material, and dominated by silt-clay sediments. Two areas of high vertical-relief, rocky (i.e., glacial relict) bottom are visible just beyond the proposed IOSN disposal on the northwest and southeast quadrants of the perimeter shown in Figure 6-3 of the EA. However, we have determined that impacts to these rocky bottom habitats from dredge material disposal should be avoided with the proposed IOSN disposal site designation.

In summary, we have determined the adverse effects to federally-managed species and EFH will be minimal over the 20-year period of the IOSN designation. Therefore, we do not intend to provide EFH conservation recommendations for the proposed action. Should you have any questions about this matter, please contact Michael Johnson at (978) 281-9130, or [mike.r.johnson@noaa.gov](mailto:mike.r.johnson@noaa.gov).

Sincerely,



Louis A. Chiarella  
Assistant Regional Administrator  
for Habitat Conservation

cc:  
Zachary Jylkka, PRD

cc:

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