New England Fishery Management Council
50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
Eric Reid, *Chair* | Thomas A. Nies, *Executive Director*

February 15, 2022

Ms. Ruthann Brien
U.S. Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742

Dear Ms. Brien:

Please accept these comments from the New England Fishery Management Council on the ongoing Essential Fish Habitat (EFH) consultation for the Amitié Subsea Cable Network. We appreciate being included in the January 13 meeting between the developer and their consultants, NOAA Fisheries, and U.S. Army Corps of Engineers staff.

The New England Fishery Management Council (Council) manages 28 marine species and is composed of members from Maine to Connecticut. Fishing activity for many Council-managed commercial and recreational fisheries occurs within the study area for this subsea cable network. Marine fisheries are profoundly important to the social and economic well-being of New England communities and provide numerous benefits to the nation, including domestic food security. The Council has a lengthy record of using area-based restrictions to enhance fishery productivity and protect essential fish habitat.

Our primary concern with this project is the intersection of the cable route with hard/complex bottom habitat and EFH, including within the overlapping Western Gulf of Maine Closure Area, Western Gulf of Maine Habitat Closure Area, and Stellwagen Dedicated Habitat Research Area (Figure 1). The Western Gulf of Maine Closure Area was implemented in 1998 for groundfish protection, designated as a habitat closure in 2003, and the southern half was designated as a Dedicated Habitat Research Area in 2018. The EFH assessment must provide sufficient information to NOAA Fisheries so that NOAA can develop conservation recommendations within and outside these closures. More specifically, the assessment should clearly explain how the project's impacts to EFH and to resources that occur in the area will be minimized. This includes impacts to Atlantic cod, haddock, silver hake, etc.

The draft EFH Assessment states that certain areas will be avoided by adjusting the cable routing (i.e., micrositing the cable with the surveyed corridor) but does not provide sufficient details for NOAA Fisheries to be confident that these adjustments will avoid and minimize impacts. The EFH assessment needs to describe the methods used to delineate and characterize hard bottom habitat and whether the resolution of the benthic data is sufficient to be able to detect finer hard habitat substrates (pebbles, cobbles). There appears to be discrepancies between NOAA Fisheries definition of 'complex habitat' from mapping recommendations and the classifications provided by project consultants. More specifically, the project needs to define the concentration

of boulder, cobble, or similar habitat bottom that would characterize the habitat as hard/complex given that NOAA uses a percentage of various sediment types to characterize such substrate. If these definitions/classifications do not align, then it is difficult for NOAA to know how much habitat of conservation concern is being impacted, and therefore what mitigation measures and conservation recommendations to make.

The habitat characterizations in the EFH Assessment should be described and supported by evidence provided by the project applicant. The assessment should clearly and thoroughly describe how hard bottom habitat is identified and characterized including relevant side scan sonar, backscatter, and other bathymetric imagery. The EFH assessment should also include any other relevant data and imagery that could be used to inform conservation recommendations by NOAA. Information and data to support the EFH Assessment need to be synthesized, analyzed, and provided in a format useful to NOAA Fisheries. This is the responsibility of the project applicant, not NOAA Fisheries.

The Council approved a Submarine Cable Policy in 2020, which provides recommendations related to cable siting, construction, monitoring, and communication with other ocean users. We highlight a few of these recommendations here. The policy recommends that cable armoring materials should be selected based on the value to commercial and recreational fishery species, and that natural materials or materials that mimic natural habitats should be used whenever possible (item 2, p. 3). Armoring materials should not be obtained from existing marine habitats and must not be toxic. Concrete mattresses are indicated in the EFH Assessment as a possible armoring material. Asphalt mattresses are also noted in the Single Environmental Impact Report, although it seems from discussions on January 13 that this material might not be used.

The Council's Submarine Cable Policy recommends post-installation monitoring of cable corridors to ensure that the cable remains buried, and to assess the recovery of any habitat features disturbed during the installation (item 7, p. 4). The Council also recommends time of year restrictions that avoid cable installation activities in times and locations used for Atlantic cod spawning (item 4, p. 4). Coastal habitats in the Gulf of Maine to a depth of 20 meters are designated as a Habitat Area of Particular Concern for juvenile Atlantic cod. It will be important to avoid impacts to cod habitat at the landfall site. Finally, communication between all parties throughout the development process is critically important (item 9, p. 5). Important fishing grounds occur throughout the project area; for example, the westernmost portion of the cable route overlaps the southern part of the Northern Gulf of Maine Scallop Management Area.

In conclusion, we support the ongoing expanded EFH consultation work between the project developer, the U.S. Army Corps of Engineers, and NOAA Fisheries, and hope that NOAA's conservation recommendations will be adopted for this project. Thank you for considering our comments. I would be happy to answer any questions your staff may have.

Sincerely,

Thomas A. Nies
Executive Director

Figure 1. Amitie telecommunications cable project proposed routing, including essential fish habitat, closed areas, and other conservation protected areas.