



## Mid-Atlantic Fishery Management Council

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Michael P. Luisi, Chairman | G. Warren Elliott, Vice Chairman  
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April 25, 2017

The Honorable Ryan Zinke  
Secretary  
Department of the Interior  
1849 C Street, N.W.  
Washington DC 20240

Dear Secretary Zinke,

Please accept these comments from the Mid-Atlantic Fishery Management Council (Council) regarding the potential environmental effects of offshore oil development on the Atlantic Outer Continental Shelf.

The Council has management jurisdiction over 13 marine fishery species in federal waters of the Mid-Atlantic region, and members from the coastal states of New York to North Carolina (including Pennsylvania). The Council develops fishery management plans to achieve its vision of “Healthy and productive marine ecosystems supporting thriving, sustainable marine fisheries that provide the greatest overall benefit to stakeholders.”

Marine fisheries are profoundly important to the social and economic well-being of Mid-Atlantic communities and provide numerous benefits to the nation, including domestic food security. In 2014, the commercial seafood industry in the Mid-Atlantic region supported 133,513 jobs, \$16.5 billion in sales, \$3 billion in income, and \$6.1 billion in value added impacts across the Mid-Atlantic.<sup>1</sup> Commercial fishermen landed 591 million pounds of finfish and shellfish, earning \$471 million in landings revenue, while more than 2.2 million recreational anglers took 14.3 million fishing trips and spent nearly \$4 billion on trip and equipment expenditures.<sup>1</sup>

The Council is committed to the effective stewardship of the marine fisheries and associated habitats in the Mid-Atlantic region and has developed policies on a range of energy development issues, including offshore oil. The Council’s Policy on Offshore Oil (attached) should be considered with these comments, and can also be found at: <http://www.mafmc.org/habitat>.

The Council supports US energy development that sustains the health of marine ecosystems and fishery resources while minimizing environmental risks to those resources. The environmental risks associated with offshore oil development are not consistent with the Council’s vision for healthy and

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<sup>1</sup> National Marine Fisheries Service. 2016. Fisheries Economics of the United States, 2014. U.S. Dept. Commerce, NOAA Tech. Memo. NMFS-F/SPO-163, 235p. Available at: <http://www.st.nmfs.noaa.gov/Assets/economics/publications/FEUS/FEUS-2014/Report-and-chapters/FEUS-2014-FINAL-v3.pdf>.

productive marine ecosystems. The Council believes that renewable energy, if implemented in a manner which minimizes impacts on fish habitat and fisheries, may be more consistent with the its vision for sustainable fisheries.

The Council also has significant concerns about the propagation of sound from seismic surveys and other sound-producing geologic and geophysical activities associated with offshore oil development. The ocean is an acoustic environment, and such activities may have significant impacts on fish populations, our coastal ecosystem, and our regions commercial and recreational fisheries. Fish and other living marine resources depend on sound for their most vital life functions. The National Oceanic and Atmospheric Administration's Ocean Noise Strategy Roadmap<sup>2</sup> recognizes that "sound is a fundamental component of the physical and biological habitat that many aquatic animals and ecosystems have evolved to rely on over millions of years." The strategy also notes that changes in the acoustic environment caused by human activities "can lead to reduced ability to detect and interpret acoustic cues that animals use to select mates, find food, maintain group structure and relationships, avoid predators, navigate, and perform other critical life functions."

At present, there is insufficient information about how these activities may affect fish, marine mammals, benthic communities, and ecosystem structure and function. Given the existing value of living marine resources and our fisheries along the coast, the Council believes it is important to fund research that will enable a better understanding of the environmental consequences of these activities.

The Council recognizes the importance of energy exploration and development to U.S. economic security, but offshore oil development has the potential to contravene the Council's efforts to conserve and manage living marine resources. The Council looks forward to working with the Department of the Interior and its Bureau of Ocean Energy Management to ensure that any future energy development activities in the Mid-Atlantic minimize impacts on the marine environment.

Again, I encourage you to review the Council's Policy on Offshore Oil, as well as its General Policies on Non-Fishing Activities and Projects, all of which are available at: <http://www.mafmc.org/habitat>. Please feel free to contact me if you have any questions.

Sincerely,



Michael Luisi  
Chairman, Mid-Atlantic Fishery Management Council

cc: J. Carney, J. Coakley, C. Christie, R. Cooper, W. Cruickshank, A. Cuomo, W. Elliott, C. Gillette, L. Hogan, T. McAuliffe, C. Moore, S. Rauch, T. Wolf

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<sup>2</sup> Available at: [http://cetsound.noaa.gov/Assets/cetsound/documents/Roadmap/ONS\\_Roadmap\\_Final\\_Complete.pdf](http://cetsound.noaa.gov/Assets/cetsound/documents/Roadmap/ONS_Roadmap_Final_Complete.pdf).

## Council Policy on Offshore Oil

**Policy Goals:** *The Council supports policies for US energy development that will sustain the health of marine ecosystems and fishery resources while minimizing the risks to the marine environment and fisheries.*

1. The Council is committed to the effective stewardship of the marine fisheries and associated habitats in the Mid-Atlantic region. The environmental risks associated with offshore oil development and operations are not consistent with the Council's vision for healthy and productive marine ecosystems supporting thriving, sustainable marine fisheries.
2. Renewable energy, if implemented in a manner which minimizes impacts on fish habitat and fisheries, may be more consistent with the Council's vision for sustainable fisheries.

*If offshore oil development moves forward:*

3. Best management practices should be implemented throughout offshore oil development and operations to avoid adverse impacts on fish habitat and conflicts with other users groups, including recreational and commercial fisheries.
4. Coordination should occur across regions to avoid conflicts between Highly Migratory Species fishing tournaments and oil development surveys (e.g., seismic testing).
5. Nearshore/onshore facilities associated with exploration and production (e.g., pipelines, access roads and bridges, and other structures) should not be constructed through areas with sensitive fish habitat such as shellfish beds, fish spawning and/or nursery habitat areas, submerged aquatic vegetation (SAV), or hard/structured habitat.
6. The need for additional dredging should be reduced by expanding or repurposing sites with existing deep water facilities, such as existing oil facilities and other industrial sites or ports.
7. Handling of oil during transportation should not occur in sensitive fish habitat.
8. Offshore oil development should not occur in sensitive habitats already prohibited to fishing, including discrete and broad areas on the Outer Continental Shelf identified for deep sea coral protection.
9. The Council encourages the use of the best commercially available technology, including horizontal directional drilling, to avoid potential impacts to sensitive habitat.

10. Monitoring and leak detection systems should be used at oil extraction, production, and transportation facilities to prevent oil from entering the environment.
11. The disposal of chemicals/contaminants used in petroleum development should be rigorously regulated. The discharge of chemicals, produced waters, drilling muds, and cuttings into marine and estuarine environments should be avoided. Frac-out plans should be developed, and produced waters should be reinjected into the oil formation, whenever possible. The physical and chemical effects of discharges on pelagic and benthic species and communities should be carefully monitored.
12. Potential adverse impacts to marine resources from oil spill clean-up operations should be weighed against the anticipated adverse effects of the oil spill itself. The use of chemical dispersants in nearshore areas where sensitive fish habitat is present should be avoided.
13. Oil production and transportation facilities should develop and implement adequate oil spill response plans and protocols<sup>1</sup>. These plans should:
  - a. Include the identification of sensitive marine habitat;
  - b. Include methods to track the movement of spills;
  - c. Ensure adequate response equipment is immediately available; and
  - d. Allow researchers to have timely access to impacted areas, as needed.
14. Short- and long-term impacts from sound during exploration, construction, and operation on the environment/ecosystem (including marine mammals, sea turtles, fish populations, and associated fisheries) should be evaluated and minimized using time and area restrictions (see General Council Policies).
15. The Council supports the development of a compensatory mitigation fund for damages that occur to the marine environment and fish habitat as well as damages to fishing vessels, their gear, and operations/revenue, as a result of offshore oil activities.

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<sup>1</sup> Consistent with the US Coast Guard, US Environmental Protection Agency, Occupational Safety & Health Administration/HAZMAT, and other state or Federal requirements.