



## Mid-Atlantic Fishery Management Council

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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman  
Christopher M. Moore, Ph.D., Executive Director

July 15, 2021

Todd Sumner  
Director of Permitting, U.S. Wind  
401 East Pratt Street, Suite 1810  
Baltimore, MD 21202  
Sent via email

Dear Mr. Sumner,

I am writing on behalf of the Mid-Atlantic Fishery Management Council (the Council) with a request regarding site assessment surveys using sub-bottom profilers and potential impacts on important fisheries in the Mid-Atlantic region.

The Mid-Atlantic Fishery Management Council manages more than 65 marine species<sup>1</sup> in federal waters and is composed of members from the coastal states of New York to North Carolina (including Pennsylvania). In addition to managing these fisheries, the Council has enacted measures to identify and conserve essential fish habitats, protect deep sea corals, and manage forage fisheries sustainably. The Council supports policies for U.S. wind energy development and operations that will sustain the health of marine ecosystems and fisheries resources. While we recognize the importance of domestic energy development to U.S. economic security, we note that commercial and recreational fisheries are profoundly important to the social and economic well-being of communities in the Northeast U.S. and provide numerous benefits to the nation, including domestic food security.

The Council recently discussed first-hand observations from a party boat captain based in Ocean City, MD suggesting that when sub-bottom profilers are used for surveys, black sea bass will temporarily leave the area, or, if they remain in the area, will stop feeding (and therefore cannot be caught with hook and line gear). Council members found these observations particularly compelling because they occurred over multiple years and included attempts by this captain to test his theory by selectively fishing in and near areas where site assessment surveys using sub-bottom profilers took place. This captain is known to the Council as an experienced and knowledgeable fisherman.

The Council is concerned about the potential impacts of surveys using sub-bottom profilers on the behavior of fish in the region and on the fisheries that target these species. For example, there are times of year when black sea bass are the primary recreational target species in some areas as the seasons for other important recreational species such as summer flounder and tautog are closed.

In light of these concerns, the Council requests that all developers with offshore wind leases in the Mid-Atlantic suspend the use of sub-bottom profilers during September 15 through November 15, 2021. This will help minimize impacts on recreational fisheries in the region, including for-hire fisheries that are the livelihood of many captains and crew. This request is for 2021 only to allow time for consideration of longer-term solutions to minimize these impacts. For example, after further consideration of various types of potential impacts (e.g., economic impacts, as well as impacts on fish

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<sup>1</sup> Fifteen species are managed with specific Fishery Management Plans, and over 50 forage species are managed as “ecosystem components” within the Mid-Atlantic Council’s FMPs.

behavior, including feeding and spawning), it may be determined that restrictions during a different time of year are a more appropriate longer-term solution. We would be happy to work with you, as well as with our partners at the Bureau of Ocean Energy Management and the National Marine Fisheries Service, to better understand what is known about the impacts of sub-bottom profilers on marine species. We encourage consideration of cooperative research with recreational and commercial fishing industry partners to further evaluate these impacts in the future.

Please consider this request and contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Moore". The signature is fluid and cursive, with a large initial "C" and a long horizontal stroke at the end.

Dr. Christopher M. Moore

Executive Director, Mid-Atlantic Fishery Management Council

cc: J. Bennett, J. Hare, M. Hawkins, B. Hooker, A. Lefton, M. Luisi, M. Pentony, W. Townsend