



July 22, 2022

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LeAnn Hogan,
NOAA Office of National Marine Sanctuaries
1305 East-West Highway,
SSMC4, Silver Spring, MD 20910

Re: Notice of Intent to Conduct Scoping and To Prepare a Draft Environmental Impact Statement for the Proposed Hudson Canyon National Marine Sanctuary; Docket No. NOAA-NOS-2022-0053

Dear Ms. Hogan,

We are writing to express our opposition to designation of Hudson Canyon as a National Marine Sanctuary. We participated in the previous 2016 nomination process for WCS's Hudson Canyon Sanctuary proposal, via the Mid Atlantic Fishery Management Council process,¹ and our concerns remain the same. What has changed since that time, however, is increased fishery management protection of sensitive habitat in our region, the implementation of the Northeast Marine Monument, and increased recognition of the sustainability of fisheries in this region, in addition to the significant growth of offshore wind energy leasing on the East Coast.

NOAA's June 8, 2022 email notification for public comment on the proposed sanctuary nomination highlights the Biden Administration's Executive Order on Tackling the Climate Crisis at Home and Abroad and its America the Beautiful Initiative (30x30) as key considerations for this nomination. It is important therefore to note that the Mid Atlantic and New England regions have been proactive in already attaining a goal greater than 30% ocean protection via the fishery management process.

As noted in the WCS sanctuary nomination letter, the Mid Atlantic Fishery Management Council has created the Frank R. Lautenberg Deep Sea Coral Protection Area encompassing more than 41,000 square miles off ocean off the Mid Atlantic Coast, including Hudson Canyon, protecting an area approximately the size of the state of Virginia.² Unlike the Sanctuary process, the MAFMC process for creating these coral zones included cooperative development by scientific research efforts, Council advisory panels, deep sea coral experts, fishing industry members, and other stakeholders,³ hailed by NOAA as a "great story of regional collaboration among the fishing industry, the Mid-Atlantic Council, the research community, and environmental organizations to protect what we all agree is a valuable

¹ See April 2017 MAFMC meeting agenda, Hudson Canyon Sanctuary Proposal briefing materials, and webinar recording at [April 2017 — Mid-Atlantic Fishery Management Council \(mafmc.org\)](https://www.mafmc.org/newsfeed/2016/noaa-fisheries-announces-final-rule-on-mid-atlantic-councils-frank-r-lautenberg-deep-sea-coral-protection-area).

² See <https://www.mafmc.org/newsfeed/2016/noaa-fisheries-announces-final-rule-on-mid-atlantic-councils-frank-r-lautenberg-deep-sea-coral-protection-area>.

³ See <https://www.mafmc.org/newsfeed/2016/noaa-fisheries-announces-final-rule-on-mid-atlantic-councils-frank-r-lautenberg-deep-sea-coral-protection-area>.

ecological resource”.⁴ Far more science, transparency, data, and collaboration by all stakeholders occurred during this environmental protection effort than would occur during the current proposed Sanctuary process. Notably, Hudson Canyon was included in that Coral Protection Area and the boundaries of that action are consistent with both scientific analysis and rigorous process. The WCS actively engaged in the MAFMC deep sea coral action, providing 13,000 letters, comments, petitions, and drawings to the Council supporting the Coral Zone designation.⁵

Similarly, the New England Fishery Management Council has continued these protections through its Omnibus Deep Sea Coral amendment to include over 25,000 square miles of ocean south of Georges Bank, encompassing 82% of the Northeast Canyons and Seamounts Marine National Monument.⁶ The Monument itself, now also in effect, consists of approximately 5,000 square miles and is roughly the size of the state of Connecticut.⁷

In response to the Biden Administration’s 30x30 America the Beautiful initiative, the Council Coordinating Committee- consisting of the chairs, vice chairs, executive directors and appropriate staff of the legislatively established Regional Fishery Management Councils- established an Area-Based Management Subcommittee which met from November 2021 through May 2022 to investigate and quantify the area-based fishery and environmental conservation protections currently in place in each federal U.S. ocean region.⁸ The draft report completed by the Subcommittee, entitled “An Evaluation of Conservation Areas in the U.S. EEZ” modeled its definition of conservation area after America the Beautiful and IUCN definitions and utilized standard methodology across the US for its analysis.⁹ The results demonstrated 55% conservation of the Mid Atlantic EEZ and 69% conservation of the New England EEZ,¹⁰ far exceeding the 30% target of the America the Beautiful initiative and minimizing any perceived necessity of further sanctuary designations.

Despite stating in its nomination letter that “WCS believes that fishing should continue in this economically valuable area”,¹¹ it makes clear an intent to use a potential sanctuary to implement or affect fishery management in the area. Although its nomination letter under “Consideration 3: Adverse impacts from current or future uses and activities threatening the area’s significance, Values, qualities

⁴ See <https://www.mafmc.org/newsfeed/2016/noaa-fisheries-announces-final-rule-on-mid-atlantic-councils-frank-r-lautenberg-deep-sea-coral-protection-area>.

⁵ [New York’s Little-Known Corals Get Much-Needed Public Support > Newsroom \(wcs.org\)](#).

⁶ See <https://www.seafoodsource.com/news/environment-sustainability/nefmc-deep-sea-coral-amendment-provides-sweeping-habitat-protections>.

⁷ See <https://www.fisheries.noaa.gov/new-england-mid-atlantic/habitat-conservation/northeast-canyons-and-seamounts-marine-national>.

⁸ See

https://static1.squarespace.com/static/56c65ea3f2b77e3a78d3441e/t/6272e64278679a29eb03e5bf/1651698562632/F4_MeetingMinutes_CCC_ABMSubcommittee.pdf.

⁹ See the Draft Report at

https://static1.squarespace.com/static/56c65ea3f2b77e3a78d3441e/t/6272ebae0d318014e42b96aa/1651698616717/F2_CCCSubCtte_ConservationAreaReport_FinalDraft_2022-05-04.pdf.

¹⁰ See [https://s3.us-east-](https://s3.us-east-1.amazonaws.com/nefmc.org/8a_F1_CCCABMSubcommittee_Talk_May2022_Revised.pdf)

[1.amazonaws.com/nefmc.org/8a_F1_CCCABMSubcommittee_Talk_May2022_Revised.pdf](https://s3.us-east-1.amazonaws.com/nefmc.org/8a_F1_CCCABMSubcommittee_Talk_May2022_Revised.pdf), slide 13, and Draft Report at

https://static1.squarespace.com/static/56c65ea3f2b77e3a78d3441e/t/6272ebae0d318014e42b96aa/1651698616717/F2_CCCSubCtte_ConservationAreaReport_FinalDraft_2022-05-04.pdf, p. 23.

¹¹ See [hudson-canyon_full.pdf \(squarespace.com\)](#), p. 19.

and resources” WCS highlights other potential future uses such as oil, gas or methane extraction, it singles out fishing as “the most immediate and direct threat to the living resources and habitats in submarine canyons including Hudson”.¹² This is inconsistent with fact. It cites “demand increases” and advancement in “deepwater fishing technologies” as its reasoning, completely ignoring the fact that the Magnuson Stevens Fishery Conservation and Management Act legally requires scientifically established fishing quotas regardless of demand, that deepwater fishing access and gear type are already restricted by the Mid Atlantic and New England Fishery Management Councils via their coral zones and the fishery management process, as well as the fact that fishing is more highly regulated than the oil and gas extraction industry in U.S. waters.¹³

Of significant concern to Seafreeze is WCS’ targeted attack on trawl fisheries in its nomination letter: “Not all fishing gears are equal: Trawling can be particularly damaging to benthic habitats”.¹⁴ Not only do we disagree with this mischaracterization of our vessels and their sustainable harvest methods, but point out that fisheries gears are managed by the Councils. These types of considerations are exactly what the federally established fishery management process is designed- successfully- to address. The allegation that trawl fisheries present a significant threat to the Hudson Canyon area is also inconsistent with fact, as is evidenced by the CCC report, many current fisheries regulations such as those contained in the Council’s coral actions, and even third party investigators.

Our vessels are trawl vessels and participate in three Marine Stewardship Council (MSC) certified trawl fisheries in and around the Hudson Canyon area- the longfin squid, illex squid, and scup fisheries.¹⁵ MSC is an internationally recognized third party certification for sustainably harvested seafood. This certification specifically considers harvest methods and gear type, current regulatory constraints, biological status of the stocks, and existing conservation and habitat measures for the fishery/stock. It is a thorough process conducted by fisheries science experts, through which Seafreeze achieved MSC certification for longfin and illex squid in 2020 and scup in 2022.

By casting aspersions on trawl fisheries as “particularly damaging” to the Hudson Canyon area, the WCS nomination ignores internationally and scientifically recognized sustainable harvest methods and fisheries, as well as signals clear intent to limit such fisheries via the sanctuary process should a sanctuary be established. The WCS also notably mentions a perceived sanctuary need to “address interdisciplinary and management issues, such as establishment of Habitat Areas of Particular Concern”,¹⁶ which is an action reserved for the Regional Fishery Management Councils as part of the federally established fishery management process.

Additionally, it is the three Seafreeze MSC certified fisheries- longfin squid, illex squid, and scup- that are most at risk by the proposed designation. In a recent NOAA Greater Atlantic Regional Office 13-year analysis of landings by species within the WCS proposal area, topping the list were longfin squid

¹² See [hudson-canyon_full.pdf \(squarespace.com\)](#), p. 19.

¹³ See “The McLaughlin-Sherouse List: The 10 Most Regulated Industries in 2014”, Mercatus Center, George Mason University, at [The McLaughlin-Sherouse List: The 10 Most-Regulated Industries of 2014 | Mercatus Center](#).

¹⁴ See [hudson-canyon_full.pdf \(squarespace.com\)](#), p. 13.

¹⁵ See [USA Continues to Be a Leader in Sustainable Squid | Marine Stewardship Council \(msc.org\)](#) and [US Atlantic Scup Fishery Achieves MSC Certification | Marine Stewardship Council](#).

¹⁶ See [hudson-canyon_full.pdf \(squarespace.com\)](#), p. 13.

and scup landings, at 38.5 million lbs and 15.4 million lbs, respectively.¹⁷ Illex squid was 7th, at 6.8 million lbs.¹⁸ However, taken altogether, these three fisheries comprise approximately 55% of all landings from the WCS proposed Hudson Canyon sanctuary.¹⁹ By far, the most impacted Fishery Management Plan is the Mackerel, Squid, Butterfish FMP.²⁰ Over 67% of all commercial fishery landings in the proposal area were from trawl fisheries, with bottom trawl revenue comprising the majority of fishery revenue by gear type.²¹ The trawl fisheries operating in the proposal area are already managed and constrained by the Frank R. Lautenberg Deep Sea Coral Protection Area in Hudson Canyon, as well as other fisheries regulations such as the scup GRAs. To put these fisheries, which are not only the most potentially impacted by a designation but also the fisheries our vessels and businesses engage in and rely on, at risk from future sanctuary restrictions is concerning to say the least.

One impact not analyzed by NOAA in this data is that to shoreside businesses from those landings. In particular, the fishery with the highest landings in the WCS proposal area- the longfin squid trawl fishery- supports considerable additional economic activity on shore. A 2020 study completed by the Science Center of Marine Fisheries, a National Science Foundation industry/university Cooperative Research Center, analyzed longfin squid revenue and economic impacts from 2013-2017.²² The fishery was estimated to have produced 2,539 full time jobs, and an economic output multiplier of 7.64 to every dollar of landings/ex-vessel revenue. That 7.64 multiplier is what accounts for the jobs and economic activity of our Seafreeze Ltd. and Seafreeze Shoreside facilities, our employees, and our commerce. Impacts that would result from a nomination restricting our fishing vessels range much further than simply landings, ex-vessel revenue, or FMP analysis.

We share the concerns of the Mid Atlantic Fishery Management Council as regards the Sanctuary process vs the Fishery Management Council process should designation occur. In its 2017 letter to NOAA's Office of Marine Sanctuaries on WCS's 2016 Hudson sanctuary proposal, the Council stated, "The Council's primary concern with sanctuary designation is uncertainty regarding whether the Council would retain management authority for fishery resources in the designated area, whether that authority could be overruled for particular actions, and what role or level of participation the Council would have in sanctuary activities. While the proposal includes the recommendation that the authority to manage fisheries within the sanctuary remain solely with the Council and the National Marine Fisheries Service (NMFS), the Council notes that this cannot be guaranteed until final designation, and even then, could potentially change in the long term. It remains unclear to the Council what degree of influence the Sanctuaries Program may or may not have over the Council's fisheries management activities. Council members have noted concerns that the National Marine Sanctuaries Act appears to explicitly allow for the Secretary of Commerce to disapprove Council-proposed regulations that the Secretary of Commerce deems inconsistent with the purpose and objectives of the sanctuary designation. Given some of the language regarding fishing impacts in the proposal, the Council is

¹⁷ See https://www.mafmc.org/s/Hudson-Sanctuary-WCS-proposal-area-MAFMC-June-2022_com.html.

¹⁸ See https://www.mafmc.org/s/Hudson-Sanctuary-WCS-proposal-area-MAFMC-June-2022_com.html.

¹⁹ See https://www.mafmc.org/s/Hudson-Sanctuary-WCS-proposal-area-MAFMC-June-2022_com.html.

²⁰ See https://www.mafmc.org/s/Hudson-Sanctuary-WCS-proposal-area-MAFMC-June-2022_com.html.

²¹ See https://www.mafmc.org/s/Hudson-Sanctuary-WCS-proposal-area-MAFMC-June-2022_com.html.

²² Scheld, A. "Economic Impacts Associated with the Commercial Fishery for Longfin Squid (*Doryteuthis pealeii*) in the Northeast US", Virginia Institute of Marine Science, SCMFIS, 2020. See attached study, also available at <https://scemfis.org/finfish-publications/>.

concerned that there may be interest in regulating fishing activity under the sanctuaries program within this area in the future.”²³

The New England Fishery Management Council submitted comments highlighting similar concerns, given that Council’s experience with the Stellwagen Bank Marine Sanctuary, “New England has a national marine sanctuary located on Stellwagen Bank, and the Council is involved with the Sanctuary as an ex-officio member on the Sanctuary Advisory Council. While the designation letter for Stellwagen Bank National Marine Sanctuary does not grant it management authority over fisheries resources, the Sanctuary often takes positions that attempt to limit commercial and recreational fishing within its boundaries. The Sanctuary has also commented on proposed fishery management actions, causing confusion among our stakeholders as to the opinion of the ultimate reviewer of Council proposals, the Secretary of Commerce. At times, we received conflicting comments from the Sanctuary and our fishery management colleagues at NMFS Greater Atlantic Regional Fisheries Office. Many fishermen believe that the Sanctuary is actively trying to limit their activities in this historic area, despite promises that were made when the Sanctuary was designated.”²⁴

We share the same concerns as both Councils. A sanctuary designation could put our vessels and our three MSC certified fisheries at stake, both now and into the future. It is particularly concerning that the nomination letter acknowledges longfin squid in particular as a major fishery in and around the Hudson Canyon area, with 15% of all fishery landings in 2014 alone originating in the area, but later targets trawl fisheries as the allegedly most “damaging” type of commercial fishing, the allegedly most “immediate and direct threat” to species and habitat in the region.²⁵ All longfin squid commercially harvested in the Greater Atlantic Region is harvested with a trawl. Therefore, should the nomination be approved and management actions taken by the Sanctuary, which does not have the same level of fisheries knowledge or expertise as the Fishery Management Councils, our vessels could experience significant and unnecessary harm. Our home state of Rhode Island accounts for more longfin squid landings than all other East Coast states combined, and our shoreside facilities would also experience serious undue hardship as a result of potential future Sanctuary actions.²⁶

The WCS 2016 proposed Hudson sanctuary boundaries posed a particular problem for the longfin squid fishery. We have attached to our comments a chart of the proposed sanctuary boundaries from the WCS proposal found on page 5 of its nomination letter with the existing scup gear restricted areas, which are part of the Mid Atlantic Fishery Management Council’s fishery management regulations for the longfin squid fishery. The proposal connects two very large existing gear restricted areas, in effect forming one giant closure extending for a good portion of the Mid Atlantic coastline. This would be disastrous for our vessels. It also demonstrates the lack of a comprehensive picture presented by the nomination letter itself.

While the nomination mentions offshore wind development in the region, it also fails to connect the dots of what that development means for current ocean activity, particularly commercial fishing. For example, BOEM has already acknowledged that fisheries such as the squid trawl fishery will not be able to operate inside offshore wind farms, “some fisheries- like the squid trawl fishery- may not be able to

²³ See attached letter.

²⁴ See [New England Fishery Management Council \(s3.us-east-1.amazonaws.com\)](https://www.amazonaws.com/s3-us-east-1/new-england-fishery-management-council).

²⁵ See [hudson-canyon_full.pdf \(squarespace.com\)](#), p. 9 and 19.

²⁶ See http://www.dem.ri.gov/programs/bnatres/fishwild/pdf/RIDEM_VMS_Report_2017.pdf.

safely operate and harvest the resource the resource in the WDA using status quo fishing techniques. In this situation, a large portion of annual income for vessels may be inaccessible during operations, resulting in major impacts on individual vessel owners...²⁷ and “it is likely that they entire...area will be abandoned by commercial fisheries due to difficulties with navigation.”²⁸

Since the 2016 WCS nomination, BOEM has leased 6 new areas in the NY Bight in close proximity to the Hudson Canyon, totaling nearly 500,000 acres.²⁹ It has also identified and put out to Call over 3.8 million acres in the Central Atlantic, which are located in the fishery management jurisdiction of the Mid Atlantic Fishery Management Council.³⁰ Not counting the Central Atlantic, there are already 27 projects existing and scheduled for construction in the Greater Atlantic Region.³¹

The cumulative impacts of a Hudson Canyon sanctuary designation cannot be looked at in a vacuum. It must be looked at in the whole, both with existing fishery regulations and restrictions such as the Coral Protection areas and those analyzed by the CCC, and the ongoing offshore wind development and continued leasing off our coasts. The cumulative impacts of current fisheries regulations, offshore wind development, and other ocean closures such as Monuments and Sanctuaries can be severe when taken altogether. One recent study completed in the UK to analyze the displacement specifically of trawl fisheries by combined current and future offshore wind and marine protected areas found that “The displacement of fishing activity under these future scenarios could be significant, and of a magnitude that cannot be absorbed by the remaining fishing grounds. This could lead to reductions in output and job losses for the fishing industry, and upstream and downstream impacts on associated land-based industries, with particular effects in coastal communities. The spatial displacement of fishing from existing fishing grounds will also have knock-on effects on the areas to which effort is displaced, leading to conflict with other fleet segments and greater environmental impacts at these locations.”³²

Commercial fisheries in the Greater Atlantic Region could easily find ourselves in this scenario with existing fisheries conservation areas and planned offshore projects. The immediacy of this reality stands in stark contrast to the WCS proposal, which states that one of its primary goals in nomination is to bring education of the Hudson Canyon to the general public through its New York Aquarium exhibits: “In particular, the New York Aquarium’s state of the art Ocean Wonders: Sharks! Exhibit...will act as a place where visitors can access the mysteries of the Canyon and be inspired by this unique habitat from hundreds of miles away”, since the Canyon itself is too far out to sea for the vast majority of the population to ever visit.³³ There is nothing restricting the WCS and New York Aquarium from engaging in this education and outreach absent Sanctuary designation. A designation will not impact its ability to educate the general NY public about the environment of Hudson Canyon. Its existing Canyon’s Edge Exhibit within the Ocean Wonders: Sharks! Exhibit is already accomplishing these goals and can continue to expand upon them.³⁴ The difference between the impact on WCS /New York Aquarium and ocean

²⁷ See Vineyard Wind DEIS at [Vineyard Wind Offshore Wind Energy Project Draft EIS \(boem.gov\)](#), p. 3-184.

²⁸ See Vineyard Wind ROD at [Record of Decision for Vineyard Wind 1 Signed \(boem.gov\)](#), p. 39.

²⁹ See [New York Bight | Bureau of Ocean Energy Management \(boem.gov\)](#).

³⁰ See [Central Atlantic Activities | Bureau of Ocean Energy Management \(boem.gov\)](#).

³¹ See [Lease Map Book July 2022 \(boem.gov\)](#).

³² ABPmer, (2022). Spatial Squeeze in Fisheries, Final Report, ABPmer Report No. R.3900. A report produced by ABPmer for NFFO & SFF, June 2022.

³³ See [hudson-canyon_full.pdf \(squarespace.com\)](#), p. 25.

³⁴ See [Ocean Wonders: Sharks! - New York Aquarium \(nyaquarium.com\)](#).

stakeholders such as commercial fisheries is that a Sanctuary designation *would* impact our ability to operate potentially now and into the future, undermining our extensive commitments to and investments in sustainable fisheries.

Therefore, we cannot support any further sanctuary nomination or designation at this time. Thank you for the opportunity to comment.

Sincerely,

Meghan Lapp, Fisheries Liaison
Seafreeze Shoreside and Seafreeze Ltd.