

**New England Fishery Management Council**

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John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

#10

May 15, 2007

Ms. Karen K. Adams  
Chief, Permits and Enforcement Branch  
Regulatory Division  
US Army Corps of Engineers  
696 Virginia Road  
Concord, MA 01742-2751

**READING COPY****Re: (NAE-2005-350) Sconset Beach Nourishment Project; Request for additional information**

Dear Ms. Adams:

With regards to the Army Corps of Engineers (ACOE) public notice NAE-2005-350 and the ACOE permit application (together referred to as "ACOE application"), submitted by the Sconset Beach Preservation Fund to perform offshore sand mining and beach nourishment along Sconset Beach in Nantucket, MA, the New England Fishery Management Council (Council) staff has reviewed the associated essential fish habitat (EFH) assessment and found it deficient.

The Council believes that this project may result in a substantial adverse effect on EFH, but, unfortunately, our ability to assess potential impacts on EFH and associated marine resources is being complicated by deficiencies in the EFH assessment. We echo the comments of the National Marine Fisheries Service in their letter dated April 26, 2007 on this issue. The Council is disappointed that the EFH Assessment filed in the public notice does not include the additional information requested by NMFS in their letters dated July 21, 2006 and January 25, 2007. The Council encourages the ACOE to prepare and file a new EFH Assessment that pays special attention to the following topics as outlined by NMFS:

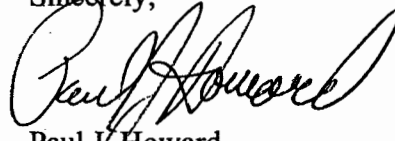
1. The full cost of the offshore alternative has not been adequately characterized. A full accounting of costs should include permanent and temporary habitat impacts at both the borrow site and the nourishment site; costs to the commercial and recreational fishing industry; costs associated with the use of Commonwealth tidelands; as well as the cost of multi-year monitoring and foreseeable compensatory mitigation of impacts.
2. The analysis fails to describe in detail the costs and assumptions associated with habitat impacts at both the borrow site and the nourishment site, and impacts on the commercial and recreational fishing industry.
3. The analysis does not include any assessment of ecological impacts relative to prey species as a result of the proposed project.

4. The analysis does not address impacts and recovery for physical habitats (i.e., sand waves, biogenic depressions) that are utilized by fish or the impacts that seafloor alterations will have on current patterns within the shoals and the potential impacts on soft bottom and sand wave habitat.
5. The ACOE application does not provide sufficient detail to characterize the sediment types at various subsurface depths and should include information regarding the proposed target depths in relation to sediment type and specific areas within the mining site should be provided.
6. The EFH assessment should include an assessment of anticipated benthic impacts resulting from the proposed sand delivery pipeline.
7. The analysis does not include information relative to the recovery of the cobble habitat after impact. As cobble areas provide important shelter and forage habitat for a variety of commercial and recreational finfish species, a full accounting of adverse impacts should be conducted.
8. During construction the transit routes offshore of Sconset Beach by commercial and recreational fishing vessels may be temporarily impacted. These impacts should be fully characterized in the EFH Assessment.
9. The on-going, future renourishment needed to maintain the beach profile is not adequately documented in the application. The proposed timeframe, scope, frequency, and volume for future nourishment should be discussed further in order to fully evaluate the proposed project. In addition, continual disturbance of the offshore borrow area and the nourishment site for future renourishment will need to be factored into the analysis of benthos and habitat recovery times, as well as within the cumulative effects analysis.
10. The mitigation plan which includes the building of an artificial sub-marine reef does not include adequate details including rationale as to how the placement of concrete structures adequately replaces the functions and values of cobble habitat which would be lost as a result of this project and include an accounting for impacts associated with the proposed 5-year renourishment cycle.
11. The mitigation proposal to convert existing soft-bottom habitat to hard bottom habitat does not include any description or analysis of fishery resources currently utilizing the proposed mitigation sites. Areas of soft bottom substrate provide habitat for a variety of fish species and would be permanently impacted as a result of the proposed mitigation.

The impacts to the affected biological, physical, economic and social environment should be fully addressed in the EFH Assessment. Further, the Council urges the ACOE to disapprove this application because it has no demonstrated net benefit to the nation.

Lastly, the Council agrees with and reiterates the request by NMFS to extend both the comment period pursuant to Part II, Paragraph 4 of our MOA, as well as the consultation process pursuant to 50 CFR (i)(5), so that the ACOE may provide NMFS and the Council with better information for the development of EFH conservation recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul J. Howard". The signature is fluid and cursive, with a large initial "P" and "H".

Paul J. Howard  
Executive Director

cc: Paul Diodati, MA DMF  
Pete Colosi, NMFS NERO