

ORIGINAL

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

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FEDERAL ENERGY REGULATORY COMMISSION

Federal Energy Regulatory Commission
Office of the Secretary
888 First Street
N. E. Washington, D.C. 20426

Dear Secretary Salas:

We are commenting on Docket Number RMo7-8-000 soliciting comments on your proposed procedures with respect to the treatment of preliminary permits under Part I of the Federal Power Act for wave, current, and instream hydropower projects.

The Mid-Atlantic Fishery Management Council (Council) is one of eight Regional Fishery Management Councils established by the Magnuson-Stevens Fishery Conservation and Management Act of 1976. This Act was recently reauthorized when President Bush signed the Magnuson-Stevens Reauthorization Act of 2006 on January 12, 2007. The Council is responsible for managing the living marine resources within our jurisdiction which includes the Exclusive Economic Zone (EEZ) off of the states between New York and North Carolina inclusive. The EEZ extends from 3 miles to 200 miles off the coast of the US.

The Council currently manages fisheries that include thirteen commercially and/or recreationally important species and the essential fish habitat (EFH) on which they rely for spawning, feeding, breeding, and growth to maturity. These thirteen species include: summer flounder, black sea bass, scup, bluefish, dogfish, surfclam, ocean quahog, Atlantic mackerel, *Loligo* squid, *Illex* squid, butterfish, tilefish, and monkfish. In addition to our responsibilities to these thirteen species, the New England and South Atlantic Fishery Management Councils and the Highly Migratory Species Division of National Marine Fisheries Service also manage other fish and invertebrate species that inhabit mid-Atlantic coastal and EEZ waters.

As a matter of national security and national policy, the Mid-Atlantic Fishery Management Council encourages and supports the development of alternative energy sources so as to reduce our Nation's reliance and dependence on foreign oil. To the extent that these alternative energy producing projects can help alleviate our dependence on foreign oil, we support their development and operation. However, such development and operation must consider the impacts such activities might have on fishery resources in EEZ waters. As these alternative energy projects move forward in the mid-Atlantic area, please be aware that many of our 13 species at various times throughout the year and at various stages of their life history are in/on the EFH that likely shares the "foot print" of EEZ proposed projects.

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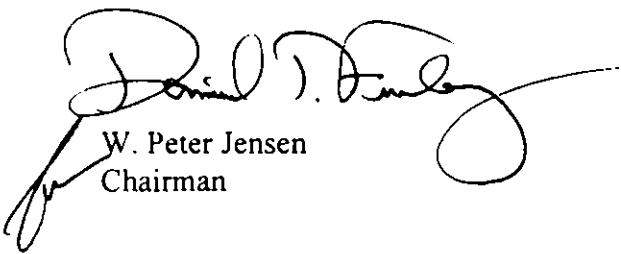
We believe that the hydropower projects on which you are soliciting comments may impact the habitat of some, or all of the aforementioned species. It is also likely that migratory patterns of fish may be changed. On the other hand, oil and gas structures in the Gulf of Mexico have been effective fish aggregating devices and it has been theorized that these structures have added to the total biomass of marine fisheries in areas where they operate. This "Jekyll and Hyde" phenomenon will need to be addressed when the Environmental Impact Statement (EIS) for these projects is developed.

In addition to the evaluation of the impacts to the resources and their habitat, any EIS will need to thoroughly address the impacts to the commercial and recreational fishermen that will forego area usage owing to the development of these hydropower projects. National Standard 10 of the Magnuson-Stevens Act requires that our regulatory actions "promote safety of life at sea" and it is our understanding that the US Coast Guard may have concern with its ability to deploy air and sea search-and-rescue operations around these proposed projects.

Finally, increasing competing demands for ocean areas are leading many to contemplate ocean zoning. Ocean areas are being closed or proposed to be closed to fishermen for marine protected areas (MPAs), offshore aquaculture, sand mining for beach replenishment, special management zones around artificial reefs, naval activities, hazardous waste dumpsites, wind mill farms, and habitat areas of particular concern (HAPCs) in addition to these new wave, current and instream hydropower projects. The EIS for these projects will need to consider all these competing uses and provide a thorough cumulative impact review in its assessment of the lost fishing grounds for the fishermen and their communities.

We thank you in advance for considering our concerns about the impacts that these projects may have on fishery resources, their EFH and the fishermen who rely on them. As stewards of our Nation's marine resources, we look forward to consulting and coordinating with you regarding the development of alternative energy sources.

Sincerely



W. Peter Jensen
Chairman

cc: Kray, Kurkul, Colosi, Montanio, Bigford, Hoff

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