



July 5, 2023

Mr. Benjamin Frater
Compliance Supervisor
U.S. Department of the Interior
Fish and Wildlife Service
Deepwater Horizon Gulf Restoration Office
341 Greeno Road North, Suite A
Fairthorpe, AL 36532

RE: CZM Federal Consistency Review: Negative Determination for Proposed Natural Resources
Damage Assessment Restoration Project

Dear Mr. Frater,

The Massachusetts Office of Coastal Zone Management (CZM) has completed its review of the negative determination for the proposed Natural Resources Damage Assessment Restoration Project. The Natural Resource Trustees for the Deepwater Horizon (DWH) Open Ocean Trustee Implementation Group (OO TIG) have prepared a draft Restoration Plan, entitled, "Draft Restoration Plan 3 and Environmental Assessment: Birds" (RP/EA). This draft RP/EA identifies and analyzes 11 project alternatives and the no-action alternative, seven of which are preferred and proposed for implementation, and one of which is located off the coast of Massachusetts: "Seabird Bycatch Reduction in Northeast U.S. and Atlantic Canada Fisheries". It proposes a range of restoration alternatives to restore for losses to natural resources and services injured in the Open Ocean Restoration Area because of the DWH oil spill, specifically birds. The project involves seabird bycatch reduction pilot studies, stakeholder engagement, and data analysis and modeling. Participation in pilot studies by existing fishing vessels during regular fishing efforts would be small in scale and voluntary. There would be no associated mandatory actions or policies.

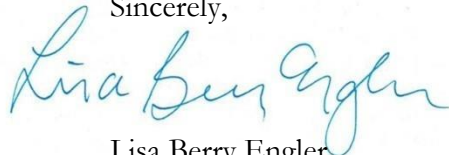
We concur with your finding that the proposed activity is not reasonably likely to affect any of Massachusetts' coastal uses and resources and find that the activity's effects on resources and uses in the Massachusetts coastal zone as proposed are consistent with the CZM enforceable program policies.

If the above-referenced activity is modified in any manner, including any changes resulting from permit, license, or certification revisions, including those ensuing from an appeal, or the project is noted to be having effects on coastal resources or uses that are different than originally proposed, it is incumbent upon the proponent to notify CZM, submit an explanation of the nature of the change pursuant to 15 CFR 930, and submit any modified state permits, licenses, or certifications. CZM will use this information to determine if further federal consistency review is required.



Thank you for your cooperation with CZM.

Sincerely,



Lisa Berry Engler
Director

LBE/rlb

Cc: Dan McKiernan, DMF
Story Reed, DMF
Everose Schluter, NHESP
Todd Callaghan, CZM
Hollie Emery, CZM
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