New England Fishery Management Council

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

April 28, 2021

Program Manager, Bureau of Ocean Energy Management
Office of Renewable Energy Programs
45600 Woodland Road (VAM-OREP)
Sterling, Virginia 20166

Re: Notice of Intent to Prepare and EIS for the Ocean Wind project

Dear Sir/Madam,

Please accept these comments from the New England Fishery Management Council (New England Council) and Mid-Atlantic Fishery Management Council (Mid-Atlantic Council) regarding the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Construction and Operations Plan (COP) for the Ocean Wind project off New Jersey. The COP proposes to install up to 98 turbines, 3 offshore substations, 2 onshore connection points, and 383 miles of cables connecting the turbines, substations, and onshore connection points.

The New England Council has primary management jurisdiction over 28 marine fishery species in federal waters and is composed of members from Maine to Connecticut. The Mid-Atlantic Council manages more than 65 marine species[1] 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, both Councils have enacted measures to identify and conserve essential fish habitats (EFH), protect deep sea corals, and sustainably manage forage fisheries. The Councils support policies for U.S. wind energy development and operations that will sustain the health of marine ecosystems and fisheries resources. While the Councils recognize the importance of domestic energy development to U.S. economic security, we note that the marine fisheries throughout New England and the Mid-Atlantic, including within the Ocean Wind project area and in surrounding areas, 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.

General comments

The pace and number of offshore wind projects in development in our region pose challenges for thorough analysis of potential impacts, informed public input, and adopting lessons learned from each project. There are over a dozen projects for which survey, design, and environmental review are already occurring and multiple additional areas in the New York Bight are planned to be leased. Work on these projects is already taxing available resources in the fishing, fishery

[1] 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.

management, and fishery science communities, and we expect at BOEM as well. Consistency in approaches and adopting lessons learned from one project to the next will benefit stakeholders who seek to engage in the review process for these complex projects.

Alternatives considered in the EIS

BOEM should consider if additional alternatives beyond a no action alternative and the proposal outlined in the COP are necessary to mitigate impacts to fisheries and habitat. For example, input from fishermen should be sought regarding if the proposed 1 by 0.8 nautical mile layout is sufficient to allow for safe fishing operations and transiting or if additional transit lanes should be considered. In addition, ongoing habitat data collection and analysis may suggest that certain preferred turbine locations should be removed or relocated to minimize impacts to habitat. The EIS should include specific criteria that would result in a preferred turbine location being moved or removed to minimize habitat impacts.

The EIS should also clearly state the extent to which a reduction in the proposed number of 98 turbines is feasible, especially given the recent segmentation of the lease (leaving less space available to move turbine locations) and existing procurements.

The EIS should also be clear on which mitigation measures will be required as opposed to discretionary. Only required mitigation measures should influence the impacts conclusions in the EIS.

Fisheries and habitat considerations

BOEM should coordinate early and often with NOAA Fisheries on the most appropriate data for analysis of potential impacts to fisheries, including fishing and transiting locations, as well as socioeconomic impacts. The EIS should clearly and repeatedly acknowledge the limitations of each data set. Summary information on Council-managed fisheries is also available on the Council websites, www.mafmc.org, and www.nefmc.org, at fishery management plan-specific links, typically via annual fishery information reports (MAFMC) or recent plan amendment or framework documents (both councils).

Commercial and recreational fisheries provide a wide range of benefits to coastal communities; not all are captured by looking only at financial metrics. The EIS should not overly rely on ex-vessel value when assessing and weighting impacts across various fisheries. Focusing on ex-vessel value can mask other important considerations such as the number of impacted fishery participants, the use of a low-value species as bait for a high-value species, or a seasonally important fishery. Models exist to estimate the amount of fisheries revenue generated from within the project area; however, it is important to acknowledge that changes in transit patterns will also have economic impacts and the associated economic impacts will be challenging to accurately quantify.

Commercial, for-hire recreational, and private recreational fishing should be considered separately, but in the same or adjacent sections of the document. As the Councils have stated in comment letters on other wind projects, the grouping of private recreational fishing with recreation and tourism, rather than with commercial and for-hire fisheries, is not intuitive to us and makes it challenging for readers to understand the full picture of potential impacts on all fishery sectors. If fishery species are affected by the project, this will affect both for-hire and

private recreational fishing. Grouping both types of recreational fishing would make linkages between biological and fishery conditions more straightforward to explain.

We recognize that data on private angling are very limited; therefore, it will be important to clearly articulate the limitations of the available data and work with local fishermen to understand how the project area is used by recreational fisheries.

The impacts of the project will not be felt only by fishermen from nearby ports; the EIS should consider commercial and recreational fisheries over a wide geographic area that may be impacted by the project. For example, vessels traveling from ports north and south of the project area may transit through and/or fish in the area. Again, BOEM should coordinate with NOAA Fisheries on the best data regarding fishing and transit, the EIS should clearly acknowledge the limitations of the available data, and local fishermen should be consulted to better understand use patterns not captured in the data.

Turbine foundations and their associated fouling communities will create artificial reefs, which are expected to attract certain fishery species (e.g., black sea bass). The EIS should acknowledge that the benefits of this artificial reef effect will vary by target species. For example, any benefit to anglers targeting highly migratory species (e.g., tunas and sharks) could be offset by the inability to anchor or to drift throughout the area. If operators shift their effort outside the project area during construction or long-term operations, this will potentially put them in areas of higher vessel traffic and gear conflict. Also, depending on operating conditions at sea, commercial and recreational fishermen cannot always reap the benefits of any increased catchability of target species due to safety concerns of fishing in swells around the turbines. These safety considerations will be different than the existing artificial reefs in the Greater Atlantic region which, except for the Block Island Wind Farm turbine foundations, are all submerged structures.

The COP proposes connecting the project to shore via three cables along two distinct cable routes to reduce impacts to the onshore power grid. The EIS should explain why the use of multiple cables is needed, develop and analyze alternatives to this approach, and acknowledge that the use of two cable routes greatly increases offshore impacts, including habitat disturbance and modification, as well as safety concerns for fisheries that use bottom tending mobile gear. Specifically, according to table 6.1.1-10 in Volume 1 of the COP, the northern cable route to Oyster Creek is much longer than the southern route to BL England (71 miles and 32 miles, respectively). The New England Council's submarine cables policy recommends that when cable burial is not possible, cables should be protected with materials that mimic natural, nearby habitats where possible. It would be helpful to identify the characteristics of any cable protection materials, should burial depths of 4-6 feet not be achieved, because these materials contribute to the net amount of complex habitat that would exist in the area once the project is constructed.

The EIS must complete a thorough evaluation of impacts at cable landfall sites, particularly in cases where complex, vegetated coastal habitats occur in both Barnegat Bay and Great Egg Harbor. The northern cable route could disturb 20 acres of submerged aquatic vegetation (SAV; table 2.2.5-6 in Volume 2 of the COP), while the proposed southern cable route is not expected to disturb SAV. Impacts to these habitats should be minimized by choosing burial approaches that limit disturbance of the seabed, and restoration of coastal habitats should occur if mitigation does not eliminate impacts during construction. We are encouraged to note that Ocean Wind

surveyed SAV at both sites in 2019/2020, since such habitats can and do change in distribution over time. The Councils recommend that BOEM and Ocean Wind work with NOAA Fisheries and local coastal managers to craft an appropriate range of alternatives to minimize impacts within the estuarine portions of the cable routes.

The COP states that offshore cables may or may not be removed during decommissioning, depending on regulatory requirements at the time. It is essential that cables be removed during decommissioning. Abandoned, unmonitored cables could pose a significant safety risk for fisheries that use bottom-tending gear and the long-term risks to marine habitats are unknown.

Cumulative impacts

The EIS must include a meaningful cumulative impacts assessment. We supported the criteria used in the Vineyard Wind EIS for defining the scope of reasonably foreseeable future wind development; however, that scope should now be expanded to include the anticipated New York Bight lease areas, especially because they are in relatively close proximity to this lease.

We have significant concerns about the cumulative impacts of offshore wind development on fishery independent surveys. Major negative impacts to these surveys could translate into greater uncertainty in stock assessments, the potential for more conservative fisheries management measures, and resulting impacts on fishery participants and communities. We are encouraged by BOEM's commitment to working with NOAA on long term solutions to this challenge.

The EIS should also consider how the Ocean Wind project and the other offshore wind projects planned for the east coast may impact the Mid-Atlantic Cold Pool. Impacts to this unique oceanographic feature have implications for stratification and mixing of the water column, primary productivity, and recruitment and migration of many species, including those targeted by commercial and recreational fisheries, as well as protected species. Climate change will also be an essential consideration in the cumulative effects analysis.

Coordination between adjacent projects

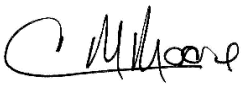
The Councils recommend that BOEM require that this project, future projects in the segmented lease area, and projects in the adjacent Atlantic Shores lease area use standardized turbine layouts, consistent survey methodologies, and shared cable routes to the extent possible. This will provide efficiencies for analysis and development and will also help minimize impacts to commercial and recreational fishing, vessel transit, and habitats. In Southern New England, developers voluntarily agreed to a consistent array configuration spanning all lease areas; in the absence of such an agreement here BOEM must take a strong leadership role.

Conclusion

We appreciate the opportunity to provide comments to ensure that issues of social and ecological importance are considered in the forthcoming EIS for the Ocean Wind COP. We look forward to working with BOEM to ensure that any wind development in our region minimizes impacts on the marine environment and can be developed in a manner that ensures coexistence with our fisheries.

Please contact us if you have any questions.

Sincerely,



Dr. Christopher M. Moore
Executive Director, Mid-Atlantic Fishery Management Council

Thomas A. Nies
Executive Director, New England Fishery Management Council

cc: J. Beaty, M. Luisi, W. Townsend, J. Bennett, A. Lefton