



April 28, 2021

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

Re: New York Bight Wind Energy Areas and Environmental Assessment

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) to support preparation of an Environmental Assessment (EA) to consider potential environmental consequences of site characterization activities and site assessment activities associated with issuing wind energy leases in the New York Bight wind energy areas (WEAs). Our comments should also be considered in the context of the forthcoming proposed sale notice.

The New England Council has primary management jurisdiction over 28 marine fishery species in federal waters and is composed of members from Connecticut to Maine. The Mid-Atlantic Council manages more than 65 marine species¹ 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 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.

BOEM has been largely silent on next steps for the New York Bight WEAs since 2018, and now the process is moving quickly towards establishment of lease areas. We believe additional public dialog is greatly needed, as evidenced by the commercial fishery boycott

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.

of the April 14 and 16 New York Bight Task Force meeting. Fishing industry representatives communicated the basis for their boycott to BOEM, largely related to their perception that the WEA identification process inadequately considered fishing interests. We agree that it is unclear to what extent the potential lease areas account for the distribution of federally managed fisheries, NOAA surveys, and protected species.

We are very concerned that the pace and number of offshore wind projects already 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. Work on these projects is already taxing available resources in the fishing, fishery management, and fishery science communities, and we expect at BOEM as well. Given these ongoing challenges, this is not the time to rush into additional leases without a robust and public dialog about the potential effects of development in these areas. We recognize that leasing is many steps removed from issuing a permit to construct and operate a wind farm, but it is a critical early step that has the potential to mitigate adverse impacts on marine resources and users.

While some impacts of renewable energy development can be mitigated through permit conditions on a specific project, other effects will be most easily avoided by not leasing certain areas or by establishing conditions associated with a lease. Therefore, it is especially important to proactively gather recent information and additional public comment before finalizing the areas to be leased. We encourage BOEM to take the time now to work with multiple user groups to fully understand the distribution of other ocean uses, and we urge BOEM to accept NOAA Fisheries' offer of assistance in convening additional meetings with fishery stakeholders.

Wind farms impose costs on other ocean users – whether it is a loss of access for resource surveys, or loss of access to fishing grounds, or other impacts. We were glad to hear New York state express concerns over the Fairways North and South areas, and the state's recognition that these are important fishing grounds. These are not, however, the only important fishing areas identified for possible leasing, and close coordination with the fishing industry and NOAA Fisheries will be essential to understand how fisheries might be affected by development in specific areas. Biological and socio-economic baseline characterizations are part of the site assessment process for wind energy leases. The EA should provide a solid foundation for any future site assessment work and must clearly acknowledge the limitations of available fisheries data.

BOEM's [memorandum for area identification](#) emphasizes input from the scallop and surfclam fisheries, but the EA should describe all fisheries that operate in the area and should not overly emphasize fisheries with the highest dollar value at the expense of fisheries that might be important for other reasons (e.g., lower value but higher number of participants, an important seasonal fishery, or use as bait in a higher value fishery). The memorandum for area identification describes the Relative Use Index and weighting approach used to evaluate fisheries data (p. 14-15). The details of this approach should be explained in further detail and could provide a data-driven foundation for near-term conversations with fishermen about usage patterns. We recommend

updating this analysis with more recent data to reflect activity since 2015.

In addition to understanding fishing activity in potential lease areas, the EA should document patterns of vessel transit. As we understand it, the transit lanes accounted for in the potential lease areas appear to match the input provided by the fishing industry during the March 2019 New York Bight Transit Workshop organized by NYSERDA and RODA, but it would be useful for BOEM to document this consistency more clearly, since the workshop transit proposals are not available publicly for overlay with the lease areas. Tug and tow fairways under development by the United States Coast Guard overlap with potential lease areas as well, and while this issue is beyond our area of expertise, the need to balance multiple competing uses provides another argument for continued public dialog before lease areas are finalized.

BOEM is expected to divide the New York Bight WEAs into multiple lease areas and to limit the number of lease sales per bidder. If all areas are leased, this will result in multiple different developers carrying out site assessment work and eventually construction and operations in adjacent or nearby areas. Surveys should be coordinated across lease areas so that consistent baseline data are collected, considering the recent [recommendations](#) of the Responsible Offshore Science Alliance relative to fisheries assessment, and NOAA Fisheries [habitat mapping recommendations](#) for seabed characterization. The EA should acknowledge the impacts of wind energy development on fishery, ecosystem, and protected resource surveys. The EA must also account for the impacts of all types of pre-construction monitoring that are expected to occur during the site assessment phase. This would include estimates of cumulative removals of fishery species during baseline surveys and any takes of protected species. While these removals and takes may be minor at the scale of an individual lease, cumulative effects could be significant for some species.

In addition to site assessment and monitoring, it will be essential to coordinate construction and project design across lease areas, for example through use of a standardized turbine layout, to minimize impacts to other ocean users, including commercial and recreational fisheries, search and rescue operations, and scientific surveys. It will be important to identify any restrictions or conditions during leasing to avoid inconsistent approaches within adjacent lease areas. This will benefit developers because they can consider this information when submitting bids. We strongly encourage shared cable routes for neighboring projects to minimize impacts to habitat and fisheries which use mobile bottom-tending gear. This is especially important in areas of the Mid-Atlantic Bight where large sand waves may pose challenges for cable burial.

We appreciate the opportunity to provide comments to ensure that issues of social and ecological importance are considered as BOEM considers leasing areas of the New York Bight for wind energy development. 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. We would be happy to assist in communicating information to the fishing industry through our respective Council processes.

Please contact us if you have any questions.

Sincerely,

Handwritten signature of Thomas A. Nies in cursive.

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

Handwritten signature of Dr. Christopher M. Moore in cursive.

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

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