



New England  
Fishery Management  
Council



August 24, 2022

Ms. Jill Lewandowski  
Office of Environmental Programs  
Bureau of Ocean Energy Management (BOEM)  
45600 Woodland Road (VAM-OREP)  
Sterling, Virginia 20166

RE: Programmatic EIS for New York Bight Wind Leases

Dear Ms. Lewandowski:

Please accept these comments from the New England Fishery Management Council (New England Council) and the Mid-Atlantic Fishery Management Council (Mid-Atlantic Council) regarding the Notice of Intent (NOI) to prepare a programmatic environmental impact statement (PEIS) for the region offshore of New York and New Jersey referred to as the New York Bight. BOEM awarded six wind energy leases in the New York Bight in 2022. The proposed action for the PEIS is the adoption of programmatic avoidance, minimization, mitigation, and monitoring measures that BOEM may require as conditions of approval for projects in this area.

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<sup>1</sup> 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 efforts to mitigate the effects of climate change, including the development of renewable energy projects, provided risks to the health of marine ecosystems, ecologically and economically sustainable fisheries, and ocean habitats are avoided.

While the Councils recognize the importance of domestic energy development to U.S. economic security, it is important to note that marine fisheries throughout New England and the Mid-Atlantic 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. We strongly support development of a PEIS for these six lease areas. This could help ensure consistency in approaches across multiple wind projects and could create efficiencies by analyzing impacts more thoroughly earlier in the process than has been done for other existing offshore wind energy leases to date.

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<sup>1</sup> 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.

The PEIS will analyze the expected impacts of a representative project in the New York Bight. The representative project will be informed by input provided by the lessees on the type of projects they intend to develop. It will be important to define a reasonable and realistic representative project design envelope to help ensure that the impacts analysis in the PEIS is sufficient and to allow project specific NEPA documents to tier off the PEIS. For example, the representative project design envelope should account for technological advances which are reasonably expected to occur between development of the PEIS and construction of projects in these six lease areas. The PEIS alternatives should be broad enough that the document will be useful if advances such as this lead to projects that are different than current industry planning.

We recommend that BOEM provide more details on the process for the project-specific NEPA documents which will follow the PEIS, including for documents which tier off the PEIS and for situations where a more thorough analysis is needed. We recommend that all additional NEPA documents following the PEIS be made available for public comment in draft form to allow for improvements based on public comments before they are finalized. For example, we recognize that NEPA guidelines do not require public comment on draft Environmental Assessments; however, making such documents available for review will be important for transparency.

The PEIS provides an opportunity to focus on the unique characteristics of the New York Bight, including the many important commercial and recreational fisheries which operate in this region. However, the impacts analysis should also consider the cumulative impacts of lease areas in neighboring regions. Specifically, the PEIS should assume eventual full build out of all lease areas along the east coast and should also consider areas which may be leased in the Central Atlantic and the Gulf of Maine in upcoming years. As we have stated in multiple previous comment letters, we are very concerned about the cumulative impacts of the many planned offshore wind energy projects on the fisheries we manage, which are regional in nature and will be impacted by multiple projects.

We recommend that BOEM use this PEIS to adopt programmatic avoidance, minimization, mitigation, and monitoring measures based on the forthcoming final Guidance for Mitigating Impacts of Offshore Wind Energy Projects on Commercial and Recreational Fisheries. Our Councils submitted separate comments on the draft guidance (available [here](#)).

We also recommend that BOEM use the PEIS as an opportunity to consider requirements related to coordinated transmission across multiple projects, for example through shared cable corridors, backbone transmission lines, and in other ways. BOEM should consider how to best build off the ongoing transmission planning work undertaken at the federal level with the Department of Energy and other agencies, as well as state efforts, including by the New York State Energy Research and Development Authority. As we have stated in previous comment letters, the Councils strongly support coordinated transmission. Considering coordinated transmission in the PEIS can help communicate to wind energy project developers that this is a priority of federal agencies and the states that will play a role in reviewing, approving, and procuring energy from offshore wind energy projects.

We look forward to working with BOEM on these important issues. Once the draft PEIS document is available, we may provide more detailed comments and recommendations. 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