New England Fishery Management Council

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

July 27, 2020

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

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) on the Supplemental Environmental Impact Statement for the Vineyard Wind I project proposed offshore of Massachusetts. Please note that we have not considered the revised NEPA regulations published on July 16 (85 FR 43304) in the development of these comments.

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 64 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, protect deep sea corals, and manage forage fisheries sustainably. 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 of Vineyard Wind 1 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

Relative to the cumulative effects analysis, we appreciate BOEM's expanded assessment of how many wind farm projects constitute reasonably foreseeable future actions, and find that this revised scope combined with more robust evaluation of potential impacts provides a better foundation for understanding the overall effects of the project. While acknowledging these improvements, we are concerned about the integration of the DEIS and SEIS into a comprehensive FEIS. We know BOEM is working under Secretarial Order regarding maximum document length and worry that page limits will relegate too much content to appendices, making the document hard to follow. BOEM should carefully consider whether some information from the appendices can be included in the body of the FEIS. For example, the written descriptions and maps of resource geographic analysis areas (Appendix A.1 and

[1] Fourteen 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.

A.7, respectively) are fundamental to understanding the assessment and would be helpful to include in the body of the document. In addition, Tables 3-1 and 3-2 in Appendix B which provide impact definitions (negligible, minor, moderate, major) are important, and should be pulled forward. To the extent that information must be placed in an appendix, it is essential that BOEM hyperlink to relevant sections of the document so that related information can be easily identified. It would also be useful to include hyperlinks to figures, tables, and section headings throughout the body of the EIS itself. To the extent that the EIS references the COP, BOEM should provide very specific references to the relevant volumes and sections (with page numbers, if possible), as the COP itself is a complex document. Ideally the FEIS document would stand alone and not incorporate DEIS and SEIS sections by reference. Given revisions to the project over time, referencing entire sections of the DEIS and SEIS would be very confusing.

During preparation of the FEIS, BOEM should ensure that an assessment of magnitude (minor, moderate, major) is made for all alternatives and VECs. Also, we recognize that it is an editorial decision to specify magnitude but not direction for adverse impacts (vs. magnitude and direction for beneficial impacts), but it might improve clarity to identify the direction of adverse impacts, or, at the very least, reiterate this caveat at intervals throughout the text. In addition, BOEM should be careful when summarizing the effects of an alternative on a VEC when a range of positive and negative outcomes are expected, over different time frames, due to a range of impact producing factors (IPFs; for example, the diverse range of IPFs and effects associated with fish, invertebrates, and EFH). This is not a significant issue when reading the text, where differences across IPFs are clearly laid out, but should be noted as a caveat where impacts are summarized, for example in Table ES-2 on page ES-5. Some readers may not read much more than these summary tables. Further, depending on the VEC and IPFs in question, an assessment of net effects might not be appropriate, and instead a range of effects should be specified.

Management alternatives

It would be helpful for the FEIS to identify BOEM's preferred action, as indicated by NEPA regulations (EIS documents shall "identify the agency's preferred alternatives, if one or more exists…in the final statement" (CFR § 1502.14 (e)). It would also be informative to clearly outline which actions are feasible and preferred on the part of Vineyard Wind. Specifically, Vineyard Wind and other developers have agreed to a 1x1 nautical mile east-west oriented layout (Alternative D2), which differs from the original layout outlined in the COP, and is not part of the 'proposed action' alternative (Alternative A). Also, Vineyard Wind has negotiated with the local community around the Covell's Beach cable landfall (Alternative B), vs. the New Hampshire Ave. landfall (included in Alternative A). The June 3, 2020 COP[2] does not provide any additional clarity as to which options might be likely or preferred. While many readers may be aware of these developments, the FEIS should convey which are the most likely outcomes, and the proposed action as defined in the FEIS should reflect these plans released by the developers.

We appreciate BOEM's analysis of the transit lane alternative (Alternative F), as recommended by fishery stakeholders. However, as described on pages 2-4 and 2-5 of the SEIS, the transit lane

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[2] https://www.boem.gov/sites/default/files/documents/renewable-energy/Vineyard-Wind-COP-Volume-I-Appendix-I-Complete.pdf

Alternative F does not seem feasible. For example, a discussion of issues associated with the cables indicates a need for technically impossible factory joints should the transit lanes be incorporated into the design, which seems to render Alternative F impossible to execute. Is this a function of having a 2 or 4 nm distance between wind turbine generators (WTGs) that would need to be covered by longer sections of inter-array cable? With respect to tradeoffs around power loss under Alternative F, is this related to the footprint of the project and turbine spacing? Or to increasing distance from shore as additional areas of the lease are built out? Finally, in the context of regional demand, it would be helpful to understand how the placement of 2 or 4 nm transit lanes throughout the MA and MA-RI WEAs intersects with the use of larger 14 MW WTGs, vs. the 10 MW originally considered. As compared to the original project design, it seems that loss of turbine placements due to transit lanes might be balanced out by generating more electricity per turbine, thereby still meeting regional demand. Perhaps an in-depth analysis of number of WTGs vs. WTG capacity would show that this is not the case, but a discussion of these tradeoffs would help to demonstrate this.

Also related to the alternatives, the FEIS should be clear that in the context of both direct and cumulative impacts, no action (Alternative G) means that the Vineyard Wind I project would not be built, but that other nearby wind farms are still presumed likely. Readers may assume that no action means no offshore wind construction in the region, especially because this is the first large-scale wind farm to reach this stage of development.

Finfish, Invertebrates, and Essential Fish Habitat

Multiple aspects of wind farm construction and operations involve noise production. Noise can negatively affect biological processes for many species of fishes and invertebrates. The SEIS indicates that pile driving will generate the most impacts. We ask that BOEM carefully evaluate the information on pile size and hammer energy provided in the Vineyard Wind I COP, as well as information available for other reasonably foreseeable future projects, to ensure that the radial estimates of impacted area are accurate (e.g. the difference in effects between 2,500 kJ vs. 4,000 kJ hammers). It would be useful to monitor noise during construction activities to ground truth these estimates at as many locations as possible. Time of year restrictions related to pile driving should be considered as a mitigation measure, since some species, including longfin squid, could be disproportionately affected if most pile driving occurs in summer during their spawning season.

Recreational fishing

It is our understanding that the geographic scope for private recreational fishing will be expanded for the FEIS. This is necessary as the geographic scope for private recreational fishing as defined in the SEIS excludes impacts to communities based in Rhode Island, Connecticut, and New York. Precise information on the location of private fishing trips is lacking; however, private recreational fishing effort based out of states other than Massachusetts does occur within the wind energy lease areas included in the geographic area of the analysis. 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.

Navigation and Vessel Traffic, Other Uses

We continue to hear concerns from commercial fishing partners about navigation safety, including the potential for impacts due to use of radar. The continued ability of the Coast Guard to effectively conduct search and rescue, or SAR operations, described in the Other Uses analysis, is also of concern. The ability of fishing vessels to operate within the Vineyard Wind I and adjacent wind farms will influence the magnitude of negative effects of the projects on commercial fisheries.

Mitigation and monitoring

With a project of this scope, there are many opportunities for mitigation of negative effects, via changes in project design or construction methods, and through compensation funds. A clear description of mitigation measures (which are summarized in the DEIS, but not described in the SEIS) will be important to understanding the impacts of the proposed action and should be included in the FEIS. The document should indicate which mitigation measures are assumed in the EIS analyses and which measures might be required as conditions on the construction permit. It is challenging to piece these mitigation elements together, absent a consolidated summary. This should include a summary of fisheries mitigation funds for fishermen from Massachusetts and Rhode Island, as well as a description of how fishermen from other states can be compensated appropriately for any losses.

Related to this, a robust monitoring program, while not mitigation per se, is important to understanding project effects and adaptively managing wind farm construction in the region going forward. In terms of process, it would be helpful to understand how Vineyard Wind and other regional developers will be held accountable to monitoring plans, as well as the mechanism for modifying these plans over time. Given that large scale offshore wind development is new for our region, and that the spatial scale of reasonably foreseeable projects is unprecedented world-wide, there are certain to be effects that we cannot fully anticipate at present. We appreciate developer commitments to the work of the Responsible Offshore Science Alliance and the coordination around monitoring that will result, but these are voluntary agreements, vs. permit conditions.

There are many opportunities for learning and adaptive management going forward. For example, the SEIS discusses that there may be positive effects associated with the creation of artificial hard bottom habitats. A range of materials could be used for scour protection and for cable armoring where burial is not possible. These materials will likely have different ecological benefits, depending on the species. Materials can be selected for their expected benefits, and/or the effects of different types of materials might be compared. Time of year restrictions on construction and maintenance, e.g. to protect fish spawning activity, also provide an opportunity for data gathering and adaptive approaches. These windows may shift over time as the region continues to experience the effects of climate change. Such shifts could have implications for best practices related to operations and maintenance of the Vineyard Wind I project, as well as other projects in the region.

Relationship to other projects

Vineyard Wind I does not exist in a vacuum, and the relationship between this project and others is important. Consistency of layout across this and future projects is critical to mitigating certain types of adverse impacts, including on fishing operations. Learning from the construction process and from monitoring should lead to adaptive management, for this and other projects. BOEM should articulate how it will ensure that regional development occurs in a coordinated manner across projects. For example, once the Vineyard Wind I turbine layout is established, will extension of this layout to

adjacent projects in the MA and MA-RI WEAs be assumed in future COPs, and be the starting point for future EIS analyses? Should a single planning and environmental evaluation process be conducted when multiple projects wish to use similar routes for their export cables? If the effects of installation or operation are found to be unacceptable despite best efforts to mitigate them, will this information be used to alter future projects?

Conclusion

We appreciate the opportunity to provide comments to ensure this EIS provides a comprehensive and effective evaluation of expected impacts from the Vineyard Wind I project. The Councils look forward to working with Bureau of Ocean Energy Management 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 of our fisheries with future wind development activities.

Please contact us if you have any questions.

Sincerely,

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

cc: James. Bennett, BOEM Renewable Energy Program
Walter Cruickshank, Acting Director, BOEM
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