

**Bureau of Ocean Energy Management (BOEM)**  
**New York Bight Proposed Sale Notice Meeting with Fishing**  
**Representatives**

July 20<sup>th</sup> and 22<sup>nd</sup>, 2021

BRIEF SUMMARY of SUMMARIES

This brief summary seeks to capture key points made by fishermen during four, two-hour workshops held on July 20<sup>th</sup> and 22<sup>nd</sup>, 2021 with the Bureau of Ocean Energy Management (BOEM). For a full accounting of all comments made during each session, please review the meeting summaries per meeting. All summaries will be posted at:

<https://www.boem.gov/atlantic-fishing-industry-communication-and-engagement>

A very brief summary of key points as expressed by participants is as follows:

- Fishing industry stakeholders do not feel heard. The fishing industry has spent hundreds of hours providing comments and recommendations and reviewed thousands of pages of documents but do not feel this effort has resulted in a meaningful change in outcomes.
- Engagement must be early, specific, on-going, meaningful, with the burden of engagement placed on offshore wind energy developers, not fishermen
- Offshore Wind Energy Developers must have oversight of their engagement with the fishing industry in order to ensure that outcomes are reported accurately, by a fishing industry designee or third-party.
- All NY Bight proposed lease areas have active fishing and thus are expected to have space-use conflicts. Suggestions for reducing conflicts ranged from eliminating the Hudson North and Central Bight areas to moving the Hudson South boundary several miles west of the existing scallop rotational area.
- Transmission cables siting, burial depth, total number of shoreside connection points, and other matters associated with transmission cable installation, operation, and decommissioning remain a strong concern.
- Fishing vessel transit corridors must be connected across leases and regions to ensure that they allow a full corridor through potentially numerous leases.
- Existing pre-construction environmental baseline data and cumulative impact assessments are inadequate and needs to be addressed in clearer environmental monitoring requirements in the proposed leases.
- The state-by-state approach to mitigating fishery economic impacts is not fair or equitable. Plans for mitigation and compensation need to be designed on a regional basis.

## Feedback on Engagement Requirements

### *Effectiveness of Engagement*

- What is BOEM's desired outcome of proposed lease engagement requirements? If the goal is to avoid and mitigate conflict, why aren't the engagement requirements connected to that goal?
- Engagement must be comprehensive and start as soon as the leasing is started.
- Effective engagement is not holding meetings and checking boxes. It is responding and adjusting to concerns and needs.
- Developers should describe the concerns and include information about how they responded to those concerns.
- Engagement and collaboration requirements for lessees should be regional so that the developer engages with fisherman from other states rather than just the state that is purchasing the power of the proposed project.
- The burden of effective engagement should be on the developer, not the fishermen.

### *Accountability*

- BOEM must ensure adequate oversight of developer engagement and reported outcomes.
- There needs to be a process for accountability and correcting inaccurate information if a developer misrepresents facts.
- If there is a process for BOEM to check in with developers regarding their outreach to the fishing industry, BOEM should check in with those who are best suited to say if and how they have been engaged – the fishing industry.
- There should be a sign-off process for COPs that includes an official document, written by fishermen, that outlines their concerns and is attached to the COP.
- The National Marine Fisheries Service has third party reviews of stock assessment workshops. There should be a third party that reviews COPs so they can be more in tune with the concerns of the fishermen. There needs to be a designated entity with teeth to hold developers accountable to addressing fishing concerns.

### *Proposed Semi-Annual Reports*

- Reviewing semi-annual progress reports from lessees will be a huge burden on the fishing industry if they are lengthy. The fishing industry needs adequate time to review those reports, check them for accuracy, and provide meaningful comments.
- When the fishing industry raises concerns with developers, the engagement reports need to include information about what the concerns were, how they were addressed, and, if they have not been addressed, information about why those concerns have not been addressed so that disagreements can be reported accurately.

## Feedback on the Number, Size, Orientation, Transit Corridors and Location of the Proposed Lease Areas

### *Criteria for Defining Lease Areas*

- What are the criteria for removing an area from leasing consideration due to fishery conflicts? It appears that if the Department of Defense or the U.S. Coast Guard requests a removal, the removal occurs. When fishermen ask for a removal, the leasing process still just proceeds.
- Viewshed interests should not outweigh fishing interests because it is not specifically cited in the Outer Continental Shelf Lands Act as a consideration for leasing.
- The data that was used for delineating the NY Bight Wind Energy Areas do not fully take into account all fishing data and the use and economic impacts from leasing are not adequately considered in the leasing process.

### *Location of Leases*

- The southeast boundary of Hudson South is directly abutting a scallop access rotational area. This area is extremely important to scallop fisheries. The main concerns are related to development, transit, and turbidity because scallops are bottom feeders. Any disturbance to scallops will impact their development. Thus, the easterly boundary should be moved five miles to the west to avoid any disturbance to scallops that will affect their development.
- A lot of fishing occurs in the Central Bight and that area should be excluded or deferred if it all possible.
- Of the eight proposed lease areas, five of them overlap significantly with the surf clam industry. This is going to devastate the surf clam industry out of Atlantic City.
- Proposed lease areas should be relocated to areas closer to the coast.
- Any leasing in Hudson North would compound issues with existing projects.
- Exclude Hudson North and Central Bight from any leasing from a mixed trawl perspective. Relatively speaking, there is less mixed trawl fishing in Hudson South, but extensive scallop and clam fishing.
- Fairway South and Fairway North are hugely problematic and should never be developed because of their importance for fluke and squid fishing.

### *Transit*

- While these proposed transit corridors are appreciated, they cannot fix the lack of defined corridors in existing projects in the mid-Atlantic. Fishermen coming out of several NJ Ports will have to travel much longer distances to get around existing project areas to these proposed transit corridors.
- Decisions on the transit lanes need to take into account the cumulative lease areas. These transit lanes may be fine but must extend across and through other future lease areas.
- The width of the transit corridor is a safety issue, not just a matter of convenience.
- Is a 2.44-mile-wide corridor wide enough for continuing the trawl surveys NMFS does?

- What about the Coast Guard 1<sup>st</sup> District's Northern NY Bight Port Access Route Study and how potential tug and tow traffic lane may affect the proposed Hudson North lease area?
- There should be no cabling allowed in transit corridors for safety as vessels may need to anchor in these areas.
- Fishing should be permitted in transit corridors but be aware if they are 2.44 miles, they may concentrate a lot of activity in a narrow channel.
- BOEM should err on the side of safety with a width of at least 4 miles for transit lanes.
- BOEM needs to include a buffer zone between the turbines and the transit corridors.

#### *Prescribed Layouts*

- Decisions on turbine layouts depends on what the COP process will be like. If good and productive engagement between developers and the fishing industry can be ensured, a uniform layout should not be prescribed because it may not be the best for fishing. This is especially true for adjacent proposed leases in Hudson South.

#### *Transmission*

- Transmission cables from the lease areas should be required to run directly to the nearest landfall so that they are as short as possible which will result in fewer environmental impacts in the ocean.
- Developers should be required to share/consolidate transmission lines/corridors to reduce seafloor impacts.
- The transmission cables should avoid all known fishing grounds at all costs.
- Fishing boats should not be responsible for damage to lost cables.
- There should be a required minimum and substantive burial depth.
- When cables cannot be buried developers should explore cable protection measures that do not result in potential fishing gear snags.
- BOEM should provide fishing industry stakeholders with all available information regarding transmission cable routes in the form of a cumulative report showing all the cables from all current and anticipated projects and their impacts on fishing.
- Transmission cable routes should be determined with input from fishing industry stakeholders because fishermen cannot trawl over those cables safely.
- Transmission cables can be a major concern for many fishermen depending on their gear type.
- What provisions could be put in place to ensure safe decommissioning and cable removal?

#### *Access*

- Continued access to lease areas should be guaranteed.
- BOEM needs the authority to develop federal frameworks to measure and mitigate impacts to fisheries at a regional level.
- There is no framework for fishermen to get paid during surveys in the United States like there is in Europe. And the fact is, this is the easiest of compensation issues to measure.

- The lease and COP should include a provision for compensation for any losses incurred by fishermen as a result of the project.

## Feedback on Science, Monitoring and Mitigation

### *Science*

- There is a lack of data on the impact of wind turbines on vessel radar signals.
- There is a lack of data on impacts from decommissioning turbines on scallops, fish, and the environment.
- There is a lack of data on major disruption to the bottom and currents and sedimentation effects on biota like scallops on and near turbines.
- BOEM should include lease provisions for fishing research funding.
- BOEM needs to slow down the process to do more environmental studies about the cumulative impacts of offshore wind farms. This is too much too fast.
- BOEM needs to do more research about the impact to the ocean bottom from transmission cables.
- We need more studies and assessments of mid-water trawl species to learn more about what is happening in these areas before the developers start dropping rocks and using sonar for their surveys. Squid are particularly susceptible to sound disturbances.
- There is no data about allision and collision risk levels and that will be very important for this area from a safety perspective.
- Science and studies should be conducted by third parties, not developers.
- We need to address oceanographic impact such as the mid-Atlantic cold pool and other research before we build wind farms.

### *Monitoring*

- BOEM should insist that the developer agree to pre- and post-environmental monitoring for the life of the project. The leases need to require pre- and post-construction monitoring plans.

### *Mitigation*

- The state-by-state approach to mitigating fisheries is not fair or equitable.
- The process outcomes are very different for states that have federal consistency review and states that do not. This leads to inequitable outcomes where vessels have federal fishing permits fishing in federal waters controlled by federal regulators and yet, solely depending on the vessels home port, those vessels may get compensation or may get none. This is not tenable.
- Plans for mitigation and compensation need to be designed on a regional basis.
- There is no federal framework for compensation to fisheries and BOEM should not let the states oversee this for federal processes.
- The lease should include a stipulation to provide monetary compensation to mitigate future impacts of wind farms on fishing in and around the lease areas as well as along the coast.

## BOEM Engagement with the Fishing Industry

- The fishing industry has spent hundreds of hours providing comments and recommendations and reviewed thousands of pages of documents. To date we do not feel our input has resulted in desired outcomes and it is very frustrating.
- BOEM should be in touch with fishermen, not just fishermen reps, to make sure they have accurate and up-to-date data on fishing activities in the proposed lease areas.
- BOEM needs to host in-person meetings to speak with fishermen.
- BOEM should take a regional approach to their outreach and engagement because boats from Maine to North Carolina fish in the NY Bight area.
- BOEM needs to have meetings with stakeholders in each state for each gear type and the meetings should take place where the people who fish live to find out where they fish and how they fish.