

EMBARGOED UNTIL
JANUARY 7th, 2020
6 AM EST



Responsible Offshore Development Alliance

January 3, 2020

Mr. Michael Emerson, Director
Marine Transportation Systems (CG-5PW)
US Coast Guard, Stop 7501
Washington, DC 20593-751

Dr. Walter Cruickshank, Acting Director
Bureau of Ocean Energy Management
1849 C Street, NW
Washington, D.C. 20240

Mr. Chris Oliver, Assistant Administrator
NOAA Fisheries
1315 East-West Highway
Silver Spring, MD 20910

Re: Proposal for New England wind energy project layout with transit lanes for safe passage of vessels

Dear Mr. Emerson, Dr. Cruickshank, and Mr. Oliver:

The Responsible Offshore Development Alliance (RODA) hereby submits the following proposal for analysis regarding the New England Wind Energy Area Lease Block on behalf of our members. The proposed layout is based on input received during several public meetings and workshops over the past year and longer, which included fishermen, offshore wind leaseholders, federal and state regulators, and the public. Specifically, RODA requests that the United States Coast Guard (USCG), Bureau of Ocean Energy Management (BOEM), and National Marine Fisheries Service (NMFS) analyze this proposal for its relative impacts to safety and the human environment as described below.

RODA is a membership-based coalition of fishery-dependent companies and associations with the mission of improving the compatibility of new offshore development with their businesses. Our approximately 170 members are comprised of major fishing community groups, individual vessels, and shoreside dealers operating in federal and state waters of the New England, Mid-Atlantic, and Pacific coasts.

Background:

On November 1st 2019, the five New England leaseholding developers submitted a proposal for a uniform 1x1 nm wind turbine layout for the New England offshore wind energy areas.¹ Neither RODA nor our members had direct input into that proposal, and it does not represent the needs and requests that fishing industry participants have clearly and consistently documented through public

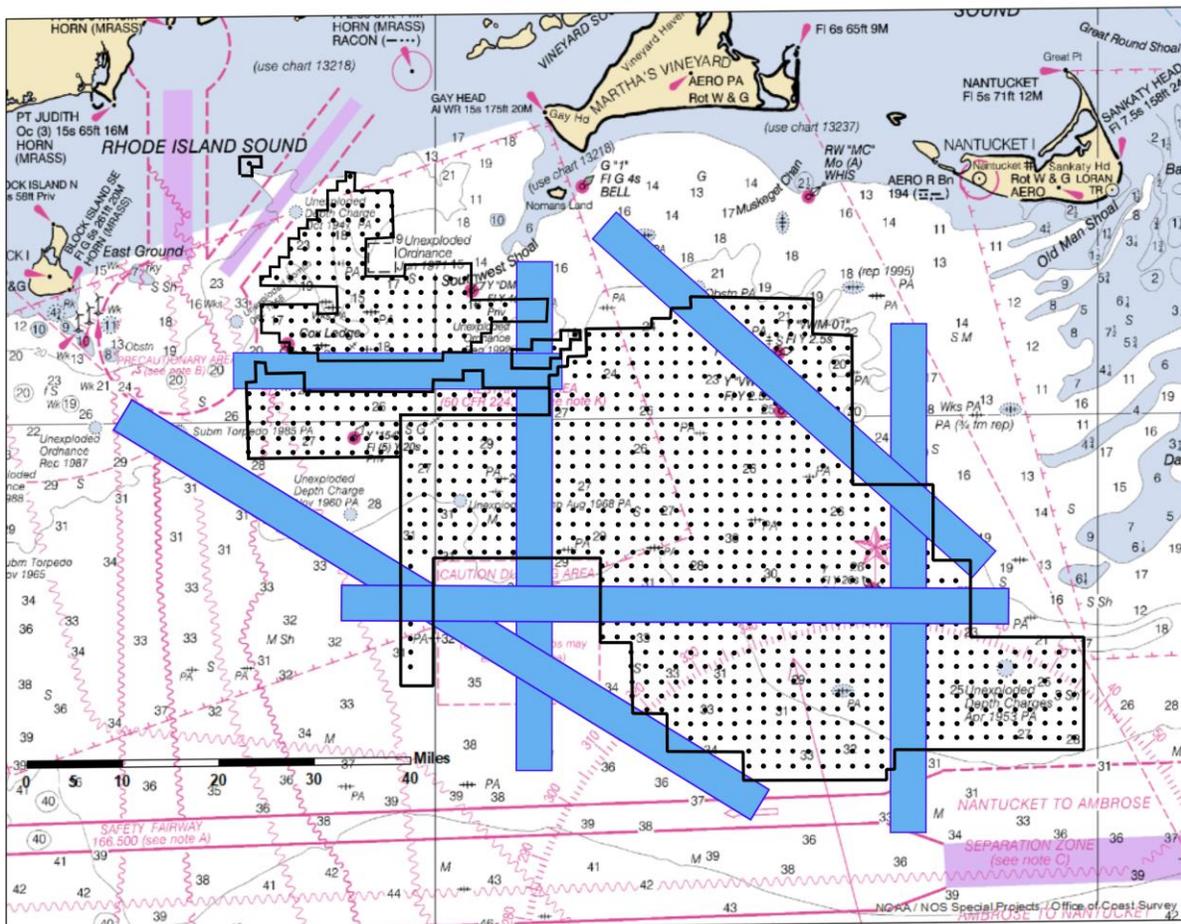
¹<https://static1.squarespace.com/static/5a2eae32be42d64ed467f9d1/t/5dd3d3e476d4226b2a83db25/1574163438896/Proposed+1x1+layout+from+RI-MA+Leaseholders+1+Nov+19+%281%29.pdf>

meetings and on the record. We have since engaged in considerable outreach to our members and others who operate fishing vessels in and near the New England wind lease areas and submit this letter to document their plain consensus.

We respectfully request that the USCG analyze the following alternative proposal, and at a minimum give it equal consideration to that presented by the developers. The primary difference in this proposal is that it includes transit lanes that were recommended during several open and public forums. This proposal enhances safety for mariners, and closely follows expected and reasonable design and process principles recommended by fishing industry experts. Neither of these proposals should supplant any of the ongoing work for the USCG MARIPARS study, and each of them should be analyzed under the process for MARIPARS including full consideration of all factors that impact navigational safety.

Proposal:

Due to the contiguity of the offshore wind energy lease areas, RODA supports a uniform layout across the entire block. The proposal presented here utilizes the uniform 1x1 nm spaced turbines presented in the November 1st proposal and includes transit lanes of adequate widths to preserve safe and efficient passage along the routes most often used by fishermen. The following map represents a rough depiction of this proposal:



Design Principles:

Consistent with feedback from the fishing industry and other stakeholders (including offshore wind developers, federal and state regulators, and the public) during several public meetings held in New England, RODA developed this proposal based on the following design principles:²

1. Turbines spaced in an east-west, north-south grid accommodate:
 - a. Understanding of placement for mobile and fixed gears; and
 - b. Preservation of prevailing fishing patterns and operational requirements for gear deployment, retrieval and towing.³
2. Turbines spaced for continuity of rows amongst lease areas allow for:
 - a. Relative ease of position identification; and
 - b. Enhanced safety of search and rescue operations.
3. Turbines spaced further apart allow for:
 - a. Reduced operational risks for fishing vessels;
 - b. Reduced navigational risks for vessels needing to take action to avoid collisions; and
 - c. Increased helicopter coverage during search and rescue operations.
4. Designation of six transit lanes at least 4 nm wide account for:
 - a. Reduced effectiveness of radar equipment, including long-range scanning to obtain early warning of risk of collision and radar plotting for observation of detected objects;⁴
 - b. Sufficient sea room for large enough alteration of course, made in good time, to avoid close-quarters situations and passing at a safe distance;
 - c. The safe passage of vessels accounting for the funneling effect of the wind energy generator siting, vessels impeded in their ability to maneuver, vessels anchored, vessels fishing, potential changes in concentrations of fishing gear, overtaking or crossing situations, vessels that may be obscured by intervening obstructions of wind energy generators or sub-stations and traffic navigating in the opposite direction; and
 - d. As habitat will be fragmented, degraded, and lost to fishing, the need for coordinated connectivity between inshore and offshore for marine living resources

² RODA strongly emphasizes that these recommendations are specific to the status and geography of the New England lease complex and do not represent recommendations from RODA or any fishery participants for existing or future leases in other regions, including the New York Bight, Mid-Atlantic, Gulf of Maine, or West Coast.

³ Prevailing fishing patterns do not in fact follow an exact east/west pattern, but rather the 43000 LORAN TD line, due to the tidal current flow and preferred direction of gear deployment, retrieval and towing. The line runs close to magnetic east/west, with a -16.4° offset from true north. For the sake of compatibility with the November 1st proposal, we present the grid here based on true east-west but note that the offset pattern would more closely match established norms.

⁴ The fact that offshore wind turbines interfere with vessel radar systems is well established and RODA will provide citations upon request. We are unaware of any credible studies that inform the reach and magnitude of such interference for current-generation turbines (9.5 MW or greater), at distances of less than several miles, or within (as opposed to near) an array. RODA therefore urges the USCG to fully evaluate this critical issue and incorporate its analysis into any recommendations regarding turbine layouts. Moreover, BOEM must not issue any decisions on project designs until this issue is fully understood and adequate mitigation strategies are incorporated into project design, both in terms of layout and any necessary technology upgrades to minimize risk.

(including protected resources) that migrate through these areas and for the fishermen that depend on these resources' well-being.

5. Transit lanes are located to accommodate the following traditional routes, which are well-documented in the summaries of multiple workshops related to this matter:
 - a. North-south transit through the western portion of the WEA;
 - i. For vessels traveling through the WEA to fishing grounds near or at the Dump and the canyons, such as for monkfish and scallop fishermen who are "on the clock" while transiting due to the fishery's days-at-sea management regime.
 - b. East-west transit from key ports to two major fishing grounds; and
 - i. Fishermen from Rhode Island, Connecticut and New York transit directly east-west across the WEA to get to economically important whiting, scup, and ling grounds south of Nantucket Shoals. To the north, these fishermen move directly from port to the productive squid fishing grounds just south of Martha's Vineyard and north of the WEA.
 - c. North-south transit to the east in the middle portion of the WEA;
 - i. For fishermen and others from a number of ports to move north and south between the above-mentioned areas. In particular, it supports an active fishery that moves between squid and whiting grounds diurnally.
 - d. Transit from northwest of the WEA to the southeast ("the diagonal").
 - i. This is an extremely important vessel transit route, particularly in foul weather when steaming through the shallower area to the northeast of the lease areas poses greater navigational risk. It is commonly used for this purpose by larger vessels from New Bedford and other ports. Rhode Island, Connecticut, and New York fishermen must also transit from the ports located to the northwest of the WEA (e.g. Point Judith, Montauk), through the WEA in a direction generally aligned with its long axis, toward the south and east to very productive fishing grounds on the shelf edge.
6. Development and approval of project layout and transit lanes must be consistent with rigorous analysis of the best available data, including VMS, VTR, AIS, and other data sets using appropriate time series to capture fishing activity, accounting for all vessels sizes, gear types, home ports, and interannual variability within fisheries.⁵

Other Considerations:

To the best of our knowledge, the locations of the proposed transit lanes should not affect the projects with existing state procurement agreements, and should therefore not impact any project's ability to meet its pricing goals beyond what is anticipated by the joint developer proposal of November 1, 2019.⁶ RODA values its direct engagement with offshore wind developers and believes there are

⁵ Notably, most fishing activity in the New England Lease Block is not captured in AIS data for several reasons which have been clearly articulated in the record by RODA and other parties.

⁶ Feedback received during workshops indicated that fishermen are willing to compromise on the precise location on each of these transit lanes in order to accommodate project plans; however, the approximate location and directions of most importance to maintain safe and reasonable customary transit are as described herein. Therefore, minor adjustments to the proposed transit lanes' positions to minimize impacts to power generation may be consistent with this proposal's purpose so long as the design principles listed above are met. However, above all else, transit lanes must maintain safe navigation.

many matters regarding which industry-to-industry communications can improve outcomes. However, it is extraordinarily difficult and inappropriate to “negotiate” outside of a regulatory process on such an important issue as safety at sea, and the series of workshops referenced above failed to identify a final, mutually agreeable solution for transit lanes. Therefore, should the exact locations of the lanes in this proposal impact one or more projects beyond its ability to meet its obligations under an existing procurement contract, RODA requests that BOEM convene a transparent process to identify alternatives with both developers and fishing industry representatives, so long as any such alternatives would meet the clearly established principles above.⁷

RODA reiterates, consistent with each of our previous comments on the record, that most fishing vessels will not be able to operate in this array and significant displacement will still occur due to 1 nm spacing. A comprehensive and inclusive mitigation plan will be necessary to account for these impacts. The proposed layouts also do not account for effects to ecosystem and resource distribution, nor have these effects been sufficiently nor comprehensively analyzed to date. Thus, continued support and augmentation for ongoing research and monitoring are required to understand these impacts and avoid them in any future leasing or design decisions.

RODA continues to call for greater prioritization of relevant research before project decisions so that tradeoffs may be properly evaluated. At present, the regulatory agencies and developers lack sufficient information to determine minimum spacing widths that would safely and effectively maintain some operations for different fisheries within an array. If those widths, once credibly determined, cannot be met in future lease areas, it may be advantageous to closely cluster turbines in smaller areas in order to maintain greater non-industrialized spaces for fishing.

Applicability Beyond New England Lease Areas:

Due to the lack of information regarding operational needs, we reiterate that this proposed layout is applicable only to the existing MA/RI lease areas and should under no circumstances be considered precedential for any other lease areas. Future layouts must be determined to account for site-specific fisheries activity and further research into radar interference, navigational risk and safety, impacts to environmental resources, and other relevant factors. The USCG should conduct PARS studies for any region where offshore wind development is proposed, and layouts must always be transparently and collaboratively designed with full advance participation of USCG and fishermen to maximize safety and minimize both displacement and environmental impacts.

⁷ Projects without a power purchase agreement should not be impacted by this proposal, as it is consistent with information that was readily publicly available prior to the December 2018 auction for OCS blocks A-0520, A-0521, and A-0522. Indeed, BOEM expressly referenced the ongoing development of these proposed transit lanes prior to the auction. See BOEM, *Atlantic Wind Lease Sale 4A - Supplemental Information for Bidders: Potential Vessel Transit Corridors* (Dec. 10, 2018), at <https://www.boem.gov/sites/default/files/renewable-energy-program/State-Activities/MA/Vessel-Transit-Corridor-Supplemental-Information-for-Bidders-ATLW-4.pdf>.

Summary of Request:

In summary, RODA submits the following requests to each of the three agencies:

To USCG:

First and foremost, RODA requests USCG to analyze this proposal for its effects on safety, including considerations of various weather conditions, search and rescue operability, radar interference, changes in vessel movement patterns and congestion associated with offshore wind energy installations, and other relevant factors. We also request USCG to analyze this proposal for its effects on historical transit routes. Finally, we request that USCG conduct any PARS in a manner that recognizes the paramount right of navigation over all other uses in the relevant areas as required by law.

To BOEM:

RODA requests BOEM to treat any recommendations from USCG regarding safety and effects to historical transit with full due deference. Should BOEM determine that power purchase agreement obligations can be more effectively met with slight adjustments to the locations of the transit lanes described above, *and USCG concurs that such adjustments do not increase navigation risk nor interfere with traditional transit routes*, we request that it initiate a public process and convene work groups to determine the exact siting. RODA's members remain ready to work with regulatory agencies and developers to identify mutually agreeable outcomes so long as this occurs through transparent processes, all user groups are afforded equal input, and the critical design principles enumerated above are accommodated. We also request that BOEM work directly with fishermen in its ongoing development of proposed rulemaking measures to ensure that the process for designating transit lanes occurs by more predictable and systematic methods in the future.

To BOEM and NMFS:

Finally, we respectfully request BOEM, in collaboration with NMFS, to analyze this proposed layout as a formal alternative in the Supplemental Environmental Impact Statement (SEIS) the agencies are in the process of preparing relevant to the New England offshore wind projects. Specifically, this alternative should receive full consideration for its relative impacts to economic, environmental, and social impacts associated with fisheries, fish stocks, and protected resources, as required by the National Environmental Policy Act.

* * *

RODA and its member organizations and fishing vessel operators thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Annie Hawkins', with a long horizontal flourish extending to the right.

Annie Hawkins, Executive Director

A handwritten signature in blue ink, appearing to read 'Lane Johnston', with a long horizontal flourish extending to the right.

Lane Johnston, Programs Manager
Responsible Offshore Development Alliance

cc: Mr. Christer af Geijerstam, President, Equinor US Wind
Mr. John Hartnett, Director, Mayflower Wind Energy
Mr. Thomas Brostrøm, CEO, Ørsted US Offshore Wind
Mr. Lars Thaaning Pedersen, CEO, Vineyard Wind