OFFSHORE WIND, RECREATIONAL AND COMMERCIAL FISHERMAN MITIGATION MEASURES DEVELOPMENT

ROCKPORT MAINE WORKSHOP REPORT

To: Brian Hooker, BOEM

From: Peggy Farrell, Ecology and Environment

Date: February 28, 2013 (8:00 a.m.-12:00 p.m.)

Location: Samoset Resort
220 Warrenton St.
Rockport, ME 04856

RE: Development of Mitigation Measures to Reduce Conflicts between Wind Industries and Fishermen – Rockport Maine Stakeholder Workshop

ATTENDEES

Name	Agency
Ben Martens	Midcoast Fishermen's Association
James Monroe	Blue Water Dynamos
Richard Nelson	Commercial Lobster Fishing
Ron Huber	Penobscot Bay Watch
Suzanne MacDonald	Island Institute
Vincent Balzuno	New England Fishery Management Council
Robert Eugley	Fishing Industry
Chris Rector	Maine State Senator's Office
Laura Singer	SAMBAS Consulting
Brooks Winner	Island Institute
Lucy VanHook	Maine Coast Fishermen's Association
Shelly Tallack Caporossi	Manomet Center for Conservation Sciences
Karin Spitfire	River Herring Advocate
Meredith Mendelson	Maine Department of Natural Resources
Aubrey Kirkpatrick	NOAA Fisheries
Tom Groening	Island Institute
Kathleen Reardon	Maine Department of Marine Resources
Sarah Cotnoir	Maine Department of Marine Resources
Nathan Johnson	Ocean Renewable Power Company
Dana Hammond II	Commercial Fishing
Steve Train	Atlantic State Marine Fisheries Commission
Kevin Harris	Harris Marine Surveyors
Buzz Scott	OceansWide
Wayne Roberts	Fishing Industry

Kristan Porter	Maine Lobstermen's Association
Kyle Molton	U.S. House of Representatives Staff
David Cousens	Maine Lobstermen's Association
Darryl Francois	Bureau of Ocean Energy Management
Brian Hooker	Bureau of Ocean Energy Management
Bill Daughdrill	Ecology and Environment, Inc.
David Trimm	Ecology and Environment, Inc.
Sarah Bowman	Ecology and Environment, Inc.
Peggy Farrell	Ecology and Environment, Inc.
Jennifer Harris	Ecology and Environment, Inc.
Stephanie Moura	SeaPlan

OVERVIEW

The Bureau of Ocean Energy Management (BOEM) is developing best management practices (BMPs) and mitigation measures for reducing use conflicts within portions of the U.S. Atlantic Outer Continental Shelf (OCS) that may be used by the wind energy industry and fishermen. The purpose of the regional stakeholder workshops is to engage fishermen and wind energy developers (plus interested agency representatives) in dialogue that would result in development of BMPs and mitigation measures that would be beneficial to both parties and relevant for inclusion in future BOEM NEPA analyses. The outreach workshops do not discuss any specific wind energy development projects, but rather describe general types of practices or studies that could be implemented as mitigation for wind energy development. As projects are proposed, there will also be opportunities for site-specific mitigation measures. This document constitutes the Outreach Report from the Rockport, Maine stakeholder workshop.

MEETING SUMMARY

The eighth and final stakeholder workshop occurred in Rockport, ME on Thursday February 28, 2013 at 8:00 a.m. at the Samoset Resort. The northern New England area encompasses several active fishery ports and is in proximity to the proposed Statoil offshore wind project site. Maine was suggested as a suitable workshop location during BOEM's initial stakeholder consultations, and mid-March was recommended as the best time to hold a meeting because attendance by fishermen was expected to be higher during the late-winter period. The Maine Fishermen's Forum meeting occurred in Rockport from February 28, 2013 through March 2, 2013, also at the Samoset Resort. Therefore, holding the BOEM stakeholder workshop early on February 28 would make the timing and location convenient for workshop participants that may also be also attending the Forum.

Workshop attendees were asked to sign in and find a seat at one of the round tables in the room. The meeting started at 8:30 am to accommodate latecomers due to inclement weather that morning. Stephanie Moura, the meeting facilitator, welcomed attendees and asked each participant to introduce themselves. She then briefly discussed the format for the meeting so that attendees had an understanding of the agenda and meeting rules. This was followed by a welcome from Darryl Francois, BOEM and introduction of Brian Hooker, BOEM Biologist, who opened the meeting with a PowerPoint presentation that included:

- Different stages of offshore wind facility development.
- Purpose of the workshops.
- Vessel Trip Report data.
- Known fishing and wind energy questions and concerns.
- Current Best Management Practices required by BOEM.
- A description of BOEM's Environmental Studies Program.
- Various opportunities for input.

Following the presentation, Ms. Moura requested that participants move to one of three round tables. The majority of the remainder of the meeting was spent in discussion during two breakout sessions. Breakout Session #1 began directly after the presentation from BOEM. Each table represented a breakout group. Groups worked on identifying issues of concern from their perspective, utilizing the list of issues identified from the previous workshops as a guideline. A 15-minute break was held at 10:00 am.

Breakout Session #2 followed the break and focused on formulating potential mitigation measures that could be employed during offshore wind energy development to reduce impacts. Utilizing the handout as a guide, each group identified potential management strategies that would alleviate some of their concerns. At approximately 11:30 am, Ms. Moura asked each table facilitator to identify the key points that were discussed in each group and after the final report out, and requested feedback and comments from the participants on the workshop format and content. The meeting adjourned at 11:45 am.

IDENTIFICATION OF CONCERNS

Table 1 lists issues and concerns regarding offshore wind development identified at the Rockport Workshop.

Table 1: Rockport, ME Workshop Issues and Concerns

Exclusion Zones and Access	• Will there be exclusion zones around the turbines? Who will decide where the exclusion zones will be? Is it the state, Coast Guard, or insurance companies? • Lost access to fishing grounds is a real concern. The livelihood of fishermen will be impacted and competition between fishermen will increase. Fishermen are concerned that they won't be able to fish where they have always fished, historically. • How close will fishermen be able to get to the site or the turbines themselves? Will fishing be allowed to occur over the transmission cables? • Fisheries are currently struggling in Maine as it is. Any additional obstacles offshore will only add to this struggle for fishermen. • Will fishermen be allowed to transit through the turbine field/facilities? • Will there be shared use within the turbine field? • Design styles such as monopole vs. floating with anchors need to be differentiated as they will have different issues and different exclusion zones. • Regarding the Statoil project, fishermen are concerned about maintaining access to highly productive fishing grounds. There are greater uncertainties about access for fishing vessels into the proposed wind farm because of the floating turbine technology. It is possible that access would be more restrictive if floating turbines have a bigger footprint because of the multiple anchor lines. • The fishing industry is already sharing fishing grounds. Suggest putting wind farms in closure areas. • If fisherman are displaced, they should be compensated.
Communication	• Need communication early in the process and regularly. • How will BOEM address fishermen outside of ME after project outreach is completed? It is easier to talk with local fishermen, but it's difficult to work with people when they reside outside of the region and still fish in ME waters. • BOEM needs to show that they are interacting with the ME state agencies. • BOEM needs to establish different methods for interacting with fishermen and reach out to them so their voice is heard. There needs to be a different way to get to the fishermen at every site. Fishermen need to be reached out to in a way that works for the fishermen. • More details on offshore wind projects need to be made readily available so people can become better informed. • Who do fishermen contact for information regarding offshore wind development? • Fishermen in ME are concerned that 4 turbines, proposed as part of the Statoil project, will turn into 100 and that they will have no say in the process. What is the possibility of this happening? • BOEM needs to talk to fishermen more about the variability of deep water offshore wind development. They should talk about specific issues relevant to different technologies. • Education of fishermen and other offshore users is important. The developer should be responsible for communicating with local fishermen about navigation regarding the turbines, where cables are located, etc. • There is a "crisis management" culture among fishing interests, and planning ahead is contrary to how the sector operates. This presents regulatory agencies and project proponents with another challenge of engaging fishermen early before the "11th hour". • There is considerable dissatisfaction with communication, outreach, and engagement on the proposed Statoil project. There are too many meetings but not enough information. Need a more coordinated process between BOEM and Statoil.

Siting Process	• Offshore wind farm plans need to be locally relevant (e.g., account for local features and fisheries). • The state of ME did not propose a Wind Energy Area (WEA) offshore. This is frustrating to the people of ME because they did not have a chance to provide input on locations for wind farms offshore. People feel the state is responding to the whims of a developer. The people of ME want an opportunity to develop a wind energy plan for the state. They do not want the developers to be in charge of this. • The offshore wind industry is in a difficult position because they have to rely on models, not research, for scientific information. • The data that have been used to develop WEAs do not reflect the historical fishing effort. There are important fishing grounds that need to be acknowledged and protected. • Some areas within the Gulf of Maine are used by only a few people. While only a few fishermen may be impacted by developing a wind farm in this area, those fishermen that use that this particular area may not fish anywhere else. Therefore, while they are a small contingent of the overall fishing industry in Maine, their ability to fish in the Gulf of Maine has now been reduced or removed. Most important to this issue are lobstermen within the highly territorial Maine lobster fishery.
Safety	• How will wind turbines hold up to the conditions in the Gulf of Maine? • Fishermen are concerned that their gear will get caught up in the floating wind turbine cables. What happens if a bottom trawler dredges up a cable? Fishermen are concerned about how the cables are buried. • Most fishermen in ME are familiar with their fishing grounds and are reluctant to update their maps because they think they already know where everything is. This could be an issue if an offshore wind facility is marked on a map and the fishermen don't get new maps. • Turbines could create a navigational hazard. Navigating around turbines/exclusion zone during a storm could add to the fishermen's safety risk if they cannot have direct access to shore during a storm and need to navigate around the turbine field. • More vessels in the area associated with construction could create a nuisance for fishermen in the area. • Is ice throw a problem?
EMF	• What are the cumulative environmental effects of adding more cables offshore? ME has a lot of islands offshore that are connected by electric and telecom cables. BOEM needs to talk to fishermen about how these cables are currently impacting fisheries. What are the issues concerning EMF?
Marine Wildlife	• What are the baseline environmental studies that already exist? • Fisheries are integral to the history and culture of Maine. How will construction of an offshore wind farm affect fishing? How will this compare to historical changes in fisheries? • What are the cumulative effects of multiple wind farms? • BOEM should have the ability to cancel a lease if there is an unforeseen environmental impact. • Wind shadow needs to be considered as a potential impact. • The density of wind turbines could be an issue. • What are the impacts of adding these structures to fish habitat? • How will bio-fouling be dealt with? Paint? Who will be responsible for regulation? • What environmental hazards may occur from the discharge of oil hazards? • Bad weather in the Gulf of Maine could damage the turbines. What resulting

	environmental impacts could occur? • Environmental impacts on marine mammals (and other species) are unknown. • What are the impacts from disturbing benthic habitat while installing cables? • How will wind farms affect fish behavior and population distribution? How can the longer-term planning process for wind farm siting take potential effects into account? • Leases for wind farms are so long, how to address changes in fishing grounds. What is productive today many not be productive in 20 years.
Liability	• The floating technology Statoil is proposing to use for the ME offshore wind farm is a big concern in ME. It has not been tested and is different than the other technologies proposed in the U.S. • What happens if a fisherman loses his/her gear due to an accident with an offshore wind facility? • Will there be compensation for reduced access to fishing grounds? • How deep will the cables be buried? There needs to be a better understanding among fishermen of the cable burial techniques and that the cables will be buried effectively. • Will there be an issue with bottom trawlers and the cables? For example, small shrimp boats may run across cables located within the shrimp grounds. • What kind of insurance will fishermen be required to have should they need to transit through a turbine field? Will there be further exclusion from the turbine field due to insurance requirements? • If something goes wrong with the turbine, who is responsible for taking care of it? • If a major storm or hurricane sets a floating turbine adrift and it takes fishing gear, who would be responsible for this?

BEST MANAGEMENT PRACTICES AND MITIGATION MEASURES

Table 2 contains potential BMPs suggested at the workshop in Rockport, ME.

Table 2: Rockport, Maine Workshop Best Management Practices and Mitigation Measures

Project Design, Navigation, and Access	
Studies and Analysis	• Is there a model for community ownership of an offshore wind farm? A local electric cooperative was formed to manage the wind area offshore Martha's Vineyard. • BOEM should have a list of required documents developers need to reference for a project. • BOEM should share information regarding how other states are dealing with fishermen and the loss of fishing grounds. • Fishermen should be involved in multiple steps of the process; i.e., ask fishermen to conduct the offshore bird surveys.
Siting	• BOEM should develop an MOU between communities and developers, or other relevant entities, that explains where and what type of offshore wind farm they want to develop. • Look at the historical fisheries data within the potential wind energy areas. Make sure to identify the key areas that are needed for fishermen. • The proposed site for the Statoil project is a good start because its location in federal waters impacts relatively few fishermen.
Navigational Safety	• Require a safety orientation for fishermen. • Ensure that anything added to NOAA charts will also be added to GPS software. Need to identify the mechanism that will officially relay the GPS coordinates to the appropriate channels.

	• Use electronic beacons. • Transiting vessels need to know where turbines are. They will have the most problems with navigational safety. • NOAA nautical charts are the best maps for displaying data at stakeholder meetings. Create a unique marker on NOAA charts to represent a turbine. • Educate fishermen about the potential concerns (safety wise) that may arise for fishermen operating near a turbine. • Place unique and reflective markings on turbines for visibility. • Sound a beacon during foggy conditions. • Look at Norwegian examples from wind farms for visibility and markings. • Create a special radar beacon configuration and integrate it with the Automatic Identification System. • There needs to be a safety/contingency plan if something catastrophic happens. People should be located close enough to respond in reasonable amount of time. • Wind installations should be well maintained to minimize navigational and gear snagging risks. BMPs should include specific inspection protocols for turbines, platforms, and cables, especially after severe weather.
Cabling	• Cables should be periodically monitored to ensure they remain buried. • Bury cables at least 2 meters deep. • Fishermen generally agree that the optimal place for cables in Maine is in mud bottom areas, rather than bottom types with high fisheries productivity (e.g., hard complex bottom). It is possible that Maine law prohibits mobile gear fishing over cables. • Use existing cable routes. Stated that fisherman cannot fish over cables per state regulations.
Safety, Liability, and Insurance during Operations	
Gear	• Need insurance policy statement.
Natural Resources	
Impacts to Fisheries	• BOEM should use an ecosystem perspective to manage areas planned for offshore wind development. • BOEM should allow people in ME to be part-owner of an offshore wind farm and have their own cooperative agreement. This will garner support for the project because this is how things are usually done in ME. • Continue to monitor benthic impacts to the bottom both on and offshore resulting from the cables. • Monitor potential impact to animals from EMF, and assess the long term impacts.
Stakeholder Engagement	
Communication	• Communicate with key leaders in the industry and use the ME Lobstermen's Association newsletter, Commercial Fisheries News, the Downeast Lobstermen's Association, lobster co-ops, and the buying wharfs. • Announcements on VHF would be useful, but BOEM should use local channels, not just VHF, to communicate with fishermen in ME. • BOEM should put notices of offshore wind development on people's trucks. • BOEM should update their website more regularly and inform people when they make updates. They should add links to developer's websites so people can get more information. • Email, Facebook, Twitter, and outreach websites should all be used within a communication plan; however, not all fishermen are technically savvy, and therefore this should not be the only means of communication. • Use blast emails and texts to all permit owners. • Use maps at meetings with fisherman including NOAA charts and terms commonly

	used by fisherman to describe bottom features. • BOEM should plan meetings adjacent to other fishermen's meetings, similar to how this workshop was planned adjacent to the Fishermen's Forum. • BOEM should help establish a dedicated NGO, or other entity not related to government or developers, to act as an advisory board and one-stop-shop for fishermen to contact with questions or to get information. • BOEM should require each developer to hire a fishermen's liaison to engage fishermen early and often. They should start working before it is required by BOEM. This person should be hired by BOEM and not by the industry. • Don't just tell fishermen everything they can't do. Also tell them what the upsides will be for having offshore wind in the region. • Word of mouth is the best means of communication in smaller Maine fishing communities. • Fisherman's wives are a good way to communicate information to fishermen. • The developer and BOEM and relevant state agencies should clarify their respective roles, the engagement process, and schedules to optimize stakeholder participation and minimize confusion. • The developer should create and disseminate a simple overview of the proposed project with basic information about location, schedule, outreach process/opportunities for input, scope, project design, the technology, etc. so stakeholders have a common understanding and can raise informed issues. • Developers should conduct outreach that specifically targets fishing permit holders in the proposed wind farm location to make sure that the fishermen who are most likely to be directly affected are effectively engaged.

SUGGESTIONS FOR FUTURE WORKSHOPS

Suggestions from all previous workshops were taken into account for the Rockport Maine meeting. Each table facilitator continued to clearly explain the purpose of each breakout session so that the distinction between the two sessions was clear. Facilitators devoted special attention when leading the groups during the second breakout session in trying to formulate usable, concrete mitigation measures.

Workshop attendees were pleased about having the opportunity to talk to BOEM in-person and the ability to discuss the Statoil project proposed offshore Maine with a representative from a federal agency. Many felt that there had not been enough opportunities provided by the state for the public to engage with developers and government, and that this meeting was a good stepping stone in that direction. They were hopeful that this meeting was the first of many in a much larger dialogue between the general public, fishermen, non-governmental organizations, developers, the state, and federal agencies about the future of offshore wind in Maine. They were also hopeful that BOEM would provide them with more information specific to the offshore technology proposed as part of the Statoil project and would distinguish the environmental effects from this technology compared to a monopole turbine design. Participants appreciated that BOEM will provide them with the opportunity to comment on the draft BMP report.