BUREAU OF OCEAN ENERGY MANAGEMENT
FISHERIES MITIGATION GUIDANCE DEVELOPMENT
EAST COAST WORKSHOP ON RECREATIONAL FISHING
DECEMBER 7, 2021
10 A.M. – 12 P.M. ET
VIRTUAL MEETING

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MEETING OVERVIEW

Process Background

- The Bureau of Ocean Energy Management (BOEM), in consultation with the National Marine Fisheries Service (NMFS) and affected coastal states, is developing guidance for the mitigation of impacts from offshore wind energy projects on commercial and recreational fishing communities.
- To initiate the development of this guidance, BOEM issued a 45-day Request for Information (RFI) to obtain input from the public. The comments and information received will inform BOEM's development of draft guidance to mitigate certain impacts of offshore wind energy projects to commercial and recreational fisheries.
- Once complete, the draft guidance will be shared with the public for review and input for a 45-day comment period. Guidelines developed through this process may be updated periodically based upon public feedback and evaluation by BOEM staff.

Meeting Purpose

- Present the process for developing the draft Guidance for Mitigating Impacts to Commercial and Recreational Fisheries from Offshore Wind Energy Development to key stakeholders and answer questions.
- Provide information on how to submit comments during the public comment process.
- Receive comments on key issue areas.

Agenda

- Welcome and Opening Remarks
- Logistics and Agenda Review
- Overview of BOEM's Request for Information to Inform its Guidance Document to Mitigate Potential Impacts to Fisheries
- Public Comment Period
- How to Submit Written Public Comments
- Timeline, Next Steps and Adjourn

Presenters

James Bennett (opening remarks)	BOEM
Brian Hooker	BOEM

Agency Representatives

Brian Hooker	BOEM
Ross Dunn	NOAA

Facilitation Team

Collin Buchanan	Kearns & West
Julielyn Gibbons	Kearns & West
Adam Saslow	Kearns & West

Participants

One hundred and thirty (130) people registered for the meeting. A complete list of registrants is included as an appendix to this summary. Twelve (12) people provided public feedback.

PRESENTATION HIGHLIGHTS

Welcome and Opening Remarks

- Adam Saslow, facilitator, Kearns & West, welcomed attendees, and reviewed the meeting logistics and agenda. He emphasized that the meeting is intended as a conversation between BOEM and fishermen and asked other attendees to remain primarily in listen-only mode.

- James "Jim" Bennett, Program Manager for BOEM's Renewable Energy Program, welcomed participants. Mr. Bennett emphasized the importance of BOEM's work in fisheries mitigation as offshore wind projects develop. Mr. Bennett discussed the Biden-Harris Administration's "30x30" goals, which aim to secure 30 gigawatts of offshore wind energy by 2030. Mr. Bennett mentioned that these goals will result in thousands of good-paying, union jobs. He added that:

- BOEM's authority to mitigate impacts is afforded by the Outer Continental Shelf Lands Act (OCSLA), which seeks to minimize or avoid impacts. OCSLA allows BOEM to establish compensation if these impacts are unavoidable.
- The guidance will clarify what developers should consider before submitting their plans, and how developers can engage the commercial fishing industry.
- BOEM is not creating a general fund, as they are required to submit all funds to the U.S. Department of Treasury.
- The goal is to offer more transparency and establish a clear process around fisheries mitigation by summer 2022 to support BOEM's environmental analysis for the construction and operations of several East Coast projects.
- BOEM will use information from this dialogue, and from discussions with federal, state, and Tribal partners to shape future mitigation discussions and develop a lasting engagement strategy that prioritizes science and meaningful collaboration.

Presentation

- Overview of BOEM's Request for Information to Inform its Guidance for Mitigating Impacts to Commercial and Recreational Fisheries from Offshore Wind Energy Development (Brian Hooker, Lead Biologist, Office of Renewable Energy Programs, BOEM)
- Mr. Hooker's presentation can be accessed at: https://www.boem.gov/sites/default/files/documents/renewable-energy/BOEM-Fisheries-Guidance.pdf.
- Mr. Hooker shared that:
  - BOEM is in the initial stage of the fisheries mitigation guidance development process and wants input from fishermen before drafting the guidance document.
  - BOEM can impose mitigation measures, but the guidance would not apply to impacts that are separate from a given project.
  - Financial compensation will likely be handled at a regional level. There are more data on the East Coast than other regions.
  - BOEM is not soliciting input on environmental monitoring of biological resources. BOEM does not want to repeat the efforts of those agencies.

PUBLIC FEEDBACK PERIOD

Public comments generally fell into one of the following topic areas highlighted in the RFI: fisheries communication and outreach; project siting, design, navigation, and access; safety; environmental monitoring; and financial compensation. Specific comments provided are described in greater detail below.

Fisheries Communication and Outreach

- There is a lack of data on and understanding of how recreational fishers operate in and around lease areas. Private vessels and boaters have data that could help BOEM grasp recreational fishing patterns. What effort has BOEM undertaken to obtain data from private boaters?

- *Mr. Hooker responded that an important aspect of the mitigation process is to engage the fishing industry and identify fishing hotspots for both commercial and recreational fishermen. Mr. Hooker noted that in both the Vineyard Wind and South Fork wind projects, BOEM received good feedback from anglers, but that BOEM could do a better job documenting that feedback.*

- BOEM should extend the public comment period from January 7, 2022, to January 14, 2022. The holiday season may interfere with the fishing community's ability to attend public comment meetings.

- It is impossible to understand the recreational fishing community in one meeting and BOEM should consider adding more meetings. The public process has one meeting for recreational fishermen but five for the commercial fishing industry. The most important public comment period is the period immediately after a proposal because it allows the public to offer alternatives and thoughtful feedback, rather than asking for feedback without a full proposal or when a project is finalized and is unlikely to change.

- In the example of cable companies' royalty system when international telecommunications cables were initially installed, draggers or trawl fleets were paid a royalty check if their boat or vessel became tangled in the telecommunications cables. Those models may be useful for BOEM to consider as offshore wind progresses. What role does FERC play in approving and developing offshore wind projects? How can FERC and BOEM collaborate?

    - *Mr. Hooker replied that there are past processes that can inform the mitigation guidance development. FERC is a licensing agent that focuses on the transmission functions of commodities in offshore wind, but BOEM oversees leasing areas for offshore wind by handling permits and construction of wind farms. FERC becomes a part of the process once interconnectedness between wind turbines and onshore facilities occurs.*

- How can BOEM improve coordination between developers that have adjacent lease areas? Recreational fishermen are unaware of distinctions between layout orientations, mitigation plans, or safety measures.

    - *Mr. Hooker answered that BOEM issued leases in southern New England that include coordination measures for adjacent leases. The measure calls for uniform layouts for adjacent projects or allowing additional space between projects. This was a direct result of feedback through the leasing process. For projects off New Jersey, this issue will be a part of the environmental review process. Mitigation guidance with public input on what provisions should be included to address adjacent lease issues is critical, as this may influence how BOEM evaluates projects going forward with adjacent lease areas.*

- There is gratitude for the invitation to participate in the mitigation guidance process. Fishermen would like more opportunities to interact throughout the process.

Project Siting, Design, Navigation, and Access

- There is concern about the impacts of offshore wind projects on shore-based anglers. Existing regulations already keep shore-based anglers out of fishing areas. How does

BOEM handle wind turbine lease areas that deprive anglers the opportunity to fish if they lack the necessary equipment?

  - *Mr. Hooker answered that BOEM requires a detectable effect to mitigate. There are ways of gauging whether catches decrease due to wind turbine construction. BOEM is asking anglers to recommend what data to use.*

- Electromagnetic fields (EMF) around wind turbines are an existential threat to fishing communities. An unforeseeable event could result in recreational fishermen being prohibited from fishing anywhere near turbines. Contingency planning should be put in place during the project design and development process to respond to unpredictable events. Broad transit channels need to be built into plans so that fishermen are not restricted from entry if safety zones or perimeters around turbines need to be extended.

  - *Mr. Hooker indicated that BOEM must focus on using data and science to support these decisions.*

- Can BOEM clarify the two-year window to plan and execute the decommissioning process after a wind turbine is deemed unusable? Decommissioning plans should be in place before turbines are unusable.

  - *Mr. Hooker indicated that the two-year window to submit the decommissioning plan occurs two years prior to the decommission, not two years after the turbine becomes unusable.*

- Has BOEM considered the size and cost of demolishing wind turbines? There's concern about the magnitude of wind turbines and whether there is funding escrowed to remove them.

  - *Mr. Hooker answered that financial assurances are required of all project developers, including for decommissioning. Conceptual decommissioning plans are included in the Environmental Impact Statement (EIS). Mitigation funds are guaranteed at the end of a wind project.*

- There's concern that wind turbines are placed on top of some of the best fishing areas in the region, and whether cables will run through local communities. Cables might not affect recreational anglers, but they could affect in-shore areas and local angling activities, and cause EMF issues. Rhode Island fishermen were able to use the Block Island project to understand how cables operate. Fishermen are frustrated by the shift away from the design of the Block Island wind turbines towards a monopole turbine design.

  - *Mr. Hooker asked that concerns about cables and successful mitigation measures be provided in written comments.*

Safety

- A fisheries representative should be on every offshore wind vessel to communicate with fishing boats, enforce safety measures to avoid incidents, and attract for-hire fishermen. There are similar roles in place for whale or endangered species-watchers.

  - *Mr. Hooker responded that this idea could be a part of the solution.*

- Fishermen would like BOEM to enhance monitoring of the electromagnetic strength of hardware and equipment at wind facilities, as they may change as equipment ages. BOEM should clarify whether fishermen and divers should avoid those areas to prevent accidents. BOEM could implement smart buoy programs that can help monitor species migration, especially if commercial fishermen target certain species of fish and leave little for recreational fishermen. Funding is needed for boat improvements near turbines.

    - *Mr. Hooker replied that shore-side improvement suggestions are a unique mitigation solution. There is a tendency to think only of financial compensation when addressing mitigation, but there are other ways to mitigate. Boat ramps or more access points may allow various sectors to benefit from having a wind facility nearby.*

- There's concern about the depth of EMF cables and whether cables that end up on land would be buried or lay on the ocean floor. How can fishermen monitor these depths, will there be proposed safety zones around wind turbine areas to protect recreational fishermen?

    - *Mr. Hooker responded that there are no federally established safety zones around wind turbines, but there may be temporary safety zones during the construction process. Cables will be buried at a target burial depth of six feet below the seabed. Once the cable approaches the shore, there are techniques such as horizontal directional drilling that will be used to ensure the cable remains buried and protected. BOEM requires lessees through COP approval to use remote sensing technology after storm events to monitor cable barrel depths, as they are more likely to become unburied during storms. BOEM has also required lessees through COP approval to monitor the temperature of surrounding waters. Sudden increases or decreases in temperature may show that a cable has been unburied and requires inspection.*

Environmental Monitoring

- There's concern about offshore wind's impacts on private anglers. A Danish study on EMF from wind turbines studied the migration of specific species of fish, such as flounder, and determined that strict environmental monitoring is necessary to avoid negative effects. Hypothetically, an assessment of fish levels could show a loss in summer flounder flocks along the New Jersey coast following the construction of wind turbines. Fishery assessments showing fish level losses could trigger an "overfishing" designation that would punish fishermen in the region.

    - *Mr. Hooker noted that BOEM has many U.S. studies on the effects of EMFs on fish. Separating tidal effects from EMF effects is challenging. Any change in the distribution of fish is out of BOEM's jurisdiction. For biological monitoring, BOEM works with NMFS to ensure that processes adapt as wind facilities are developed. BOEM's goal is to manage the effects of activities that are authorized by BOEM and provide the necessary information to fishermen to make appropriate decisions.*

Financial Compensation

- Will compensation for recreational boaters' increased navigation be considered? Recreational boaters navigating around wind turbines to fish is different than commercial

fishermen, because commercial fishermen can demonstrate impacts with catch-rates. For recreational fishermen, their main loss is the increased use of gas.

  - *Mr. Hooker noted that BOEM wants to consider this point in its draft guidance. Private recreational fisheries are not limited in transit through and around a wind facility, but there may be limitations during the construction process. The mitigation hierarchy applies equally to commercial and recreational vessels. This process will take all perspectives into account.*

- There's concern that previous discussions on financial compensation focused on direct financial impacts caused by wind projects, instead of indirect impacts. Is compensation available for indirect impacts on data collection like trawl surveys, and what activities fall under the definition of mitigation?

  - *Mr. Hooker responded that there may be an opportunity for other types of environmental monitoring to support data streams that NMFS is interested in. Today's meeting considers how to monitor the downstream effects that wind projects have on fishing activities.*

- Can BOEM monitor the dispersal of compensation funds and design an appeals process for mitigation?

  - *Mr. Hooker answered that BOEM can monitor how funds are disbursed and require a lessee to provide set funding aside for monitoring. BOEM is unable to manage appeals between private entities.*

- There's concern that prohibiting fishing in a lease area during construction will disproportionately hurt small fishing businesses. Will small businesses be prioritized for compensation, rather than large businesses that have more employees to accomplish tasks in a shorter amount of time?

  - *Mr. Hooker answered that the public comment period is designed to address those questions. BOEM wants to know whether there should be a process for someone in a "data-poor" situation who is negatively impacted by a wind project to help alleviate their issues and compensate them for damages. The challenge lies in identifying how a group is impacted, evidence of the impact, and how to transmit evidence to a lessee.*

- How will BOEM consider private anglers in mitigation? Private anglers might experience socioeconomic and economic losses.

  - *Mr. Bennett responded that the socioeconomic impact is critical to developing a reliable proposal. BOEM does not have a clear answer because of the challenges in gathering data on socioeconomic impacts.*

The meeting adjourned at 11:58 a.m. ET.

APPENDIX A: PARTICIPANT LIST

1. Calvin Alexander
2. Becky Allee
3. Abe Ash
4. Michael Auriemma
5. Cristiana Bank
6. Jerry Barnes
7. Bruce Beardsley
8. Julia Beaty
9. Sharon Benjamin
10. James Bennett
11. Richard Bernardini
12. Francis Bigley
13. Bob Bochar
14. Court Boice
15. Idrissa Boube
16. James Boyd
17. John Boyle
18. Morgan Brunbauer
19. Colleen Brust
20. Danny Bryant
21. Collin Buchanan
22. Aurora Burgess
23. Greg Busch
24. Emma Chaiken
25. Marina Chaji
26. Douglas Christel
27. Elizabeth Chudy
28. David Ciochetto
29. Benjamin Cooper
30. Jeff Deem
31. Neil Delanoy
32. Vincent DelGozzo
33. John DePersenaire
34. Michele Desautels
35. Anthony Dilernia
36. Brian Dresser
37. Russell Dunn
38. Lorena Edenfield
39. Richard Ellis
40. Ciara Emery
41. Skip Feller
42. Marianne Ferguson
43. Cynthia Ferrio
44. Paul Forsberg
45. John Fullmer
46. Gwen Gallagher
47. Chris German
48. Julielyn Gibbons
49. Connie Gillette
50. Willy Goldsmith
51. Gordon Graef
52. T Haight
53. Anne Hawkins
54. Lyndie Hice-Dunton
55. Fiona Hogan
56. Brian Hooker
57. Caela Howard
58. Ursula Howson
59. Jim Hutchinson
60. Kerry Johnston
61. Lane Johnston
62. Delia Kelly
63. Lesley Kilp
64. Rich King
65. Shana Kinsey-Carlsen
66. Zachary Klein
67. Wayne Kotow
68. Rob Kramer
69. Sara Krupa
70. Jim Lanard
71. Elizabeth Lange
72. Ron Larsen
73. Sean Lawler
74. Brian LeFebvre
75. Andy Lipsky
76. Julia Livermore
77. Samantha MacQuesten
78. Jim Martin
79. Tom Masterson
80. Lynn Mattes
81. Tershara Matthews
82. Ashleigh McCord
83. Tim McCune
84. Emily McGuckin
85. Chris Mckibben
86. Mark McManus
87. June Mire
88. Kaitlin Morton
89. Peter Mudrak
90. Nicole Murphy
91. Susanna Musick
92. Candace Nachman
93. Casey Nolan
94. Adam Nowalsky
95. Kris Ohleth
96. Robert Osborn

97. Molly Pacifico
98. George Patton
99. Ross Pearsall
100. Daniel Perrone
101. Lisa Pfeiffer
102. Stephen Pigeon
103. Mike Pol
104. Renee Reilly
105. Heather Richards
106. Charlie Robertson
107. Richard Robins
108. Chris Sarro
109. Tim Sartwell
110. Adam Saslow
111. Prianka Sharma
112. Angela Silva
113. Justin Skenyon
114. Nancy Sopko
115. Joel Southall
116. Chris Sparkman
117. Mariana Steen
118. Scott Steinback
119. Matt Streich
120. Daniel Studt
121. Greg Stunz
122. Doug Taylor
123. Mike Taylor
124. Eric Thunberg
125. John Toth
126. Arnie Ulrich
127. Greg Vespe
128. Jessica Watson
129. Rick Weber
130. Ted Wood