

New England Wind Lease Area Transit Corridor Workshop
December 3, 2018
9:00 to 5:00 PM
Draft Workshop Summary

Hotel Viking Newport
1 Bellevue Avenue
Newport, RI 02840

The following is a *draft* summary of a workshop held on 3 October 2018 regarding transit corridors in the New England Wind Energy Area (i.e. the combined Massachusetts and MA-RI WEAs, which is divided into seven wind lease areas, the three most eastern of which are not held by a developer at the time of this workshop). This summary is not intended to be a comprehensive record of all comments made, but rather, a summary of key points without attribution by name or organization. This is the facilitator's summary of the day's proceedings. All errors and omissions are the sole responsibility of the Consensus Building Institute (CBI).

The meeting did not conclude with any new consensus. Therefore, these notes can only provide a snapshot of discussions held, and should not be considered as indicative or suggestive of what a future consensus – if any – may look like.

Background

Stakeholders representing current New England offshore wind lease holders (Ørsted [Bay State and Deepwater Wind] and Vineyard Wind), fishermen (several fisheries participants representing a variety of gear types and ports and coordinated by the Responsible Offshore Development Alliance (RODA)), the Bureau of Ocean Energy Management (BOEM), the United States Coast Guard (USCG), NOAA/NMFS, and NROC met on December 3, 2018 in Newport, Rhode Island to advance and continue the conversations held on 31 October 2018 in Warwick, RI, regarding fishing vessel transit through Wind Energy lease areas in federal waters off of Massachusetts and Rhode Island. A representative of Equinor (Empire Wind) also attended as an observer.

The participants sought to: 1) review AIS and VMS data assembled by NMFS and NROC regarding what data we have (and do not have) regarding trips in the area historically; 2) explore the purpose, needs and intent of various transit routes; 3) explore the implications of transit routes on current and future wind energy projects; and 4) seek to find a way forward.

Key Assumptions, Considerations, and Caveats

In general, the following key points are essential to keep in mind when reviewing this summary.

- **No formal, final commitments** were made by parties at the meeting; all parties need to think about and share with others “back home” the results of the meeting, and to gather feedback to ensure that regional fishing industry participants’ needs are met. As noted above, these notes can only provide a snapshot of discussions held, and should not be considered as indicative or suggestive of what a future consensus – if any – may look like.
- The current lease holders have decisional authority over activities they propose to BOEM in their current lease areas. While they can and did weigh in on lease areas yet to be leased (OCS-A 0520, OCS-A 0521, and OCS-A 0522 auction scheduled for 13 December), there is no current private interest that has control of these southern leases.
- BOEM noted that they have already included language in the leases for the pending lease sale that: “In its COP project design, Lessee must extend any BOEM approved vessel transit corridors in adjacent lease areas, unless BOEM determines that such corridors are not necessary or can be modified. Lessee may not construct any surface structures in such vessel transit corridors.”
- In order for transit to work across all lease areas within this New England Wind Energy Area (WEA), the transit corridors must serve holistically to facilitate transit and any final approach must be a “package” rather than individual, singular routes. While all parties would prefer to reach agreement on a collective “**package**” of transit routes through all New England lease areas, the fact that there are both current and future leases made that more difficult to do.
- Fishery participants noted that good progress has been made, and the consensus of the fishing industry that stands to-date is the one arrived at on September 20, 2018 in a workshop held in New Bedford¹, with the caveat that fishermen have stated that transit lanes must be a minimum width of 4 nautical miles to allow safe passage. Thus, that consensus stands unless and until a new one is reached among the fishing community. This consensus included a diagonal corridor roughly through the center of the current and future lease areas that might accommodate transit for a number of different fishing interests. Further details on this consensus plan can be found in an email from USCG to BOEM on October 16, 2018, and provided on RODA’s website.
- Others have stated that a 4-mile width is not necessary to provide navigational safety and 2 miles is a sufficient corridor width for safe navigation and lease area development.
- Generally, the goal is to have transit corridors connecting fishing ports to fishing grounds (or connecting multiple fishing grounds typically visited on one trip) in short a distance as

¹ RI Coastal Resources Management Council organized a meeting of RI fishermen regarding the consensus of the fishing industry as well, which was held on 11 Oct 2018. Fishermen at this meeting supported this corridor plan.

possible, thereby minimizing transit time through the WEA, and thus minimizing risk and navigational challenges, and saving time, fuel costs, crew costs, and fishing time (especially if transiting occurs “on the clock” as some fishery management plans require per regulation), and also minimizing time to market for fresh product. There is also a potential trade-off between transit distance within the NE WEA and corridor width.

- *There is no agreement among the participants at this time around the necessary width of these corridors.* The developers and fishermen requested that the federal agencies (principally BOEM and USCG) provide as soon as possible independent, technical review and risk analysis with extensive stakeholder input on this question of necessary corridor width.² It should be noted that Construction and Operations Plans (COPs) do include navigational risk assessments for the particular project area for which the COP was or will be submitted.
- Prior to discussing possible corridors, meeting participants were briefed as to data from NMFS and NROC’s Northeast Data Portal, and meeting participants came to the meeting with their own knowledge and experience as fishermen and developers. However, it must be noted that historic data and experience may be somewhat limited in guiding the design of these corridors for future transit, given that there will be new structures in the water, fishery regulations may change from year to year, the environment is dynamic, and the climate is changing -- past behavior may not be an exact predictor of future behavior. This information in presentation format can be found on the RODA website. The reader should be careful to note the various caveats and limitations that go with each data set referred to in this presentation.
- It should be noted that discussions of some transit corridors, principally the southern east-west corridor and the eastern north-south corridor, did not include participation by future lessees from the three lease areas to be auctioned on December 13, 2018, nor adjacent states. BOEM believes input from new lessees and adjacent states should be part of the discussion, particularly as it relates to understanding lease viability and impacts to state renewable energy procurement.

Transit Lane Possibilities

During the discussion, fishermen described certain transiting needs, and various corridor possibilities to accommodate each of those transiting needs were discussed. The possibilities

² Please note the following motion. The USCG Commercial Fishing Safety Advisory Committee on Tuesday, November 13 - 14, 2018, passed unanimously the following. “The CFSAC recommends the USCG coordinate with BOEM in developing routes, as appropriate, through all Wind Energy Area Leases. As part of this process the Coast Guard should look at historical vessel track data, both AIS and VMS, from both fishing vessels and commercial vessels. The Coast Guards should propose to BOEM, routes through WEAs that follow very nearly the routes currently being used by both fishing vessels and commercial vessels alike as they transit the area. The Coast Guard should work with BOEM towards finding routing solutions with appropriate traffic lane widths, set-backs and areas of separation that balance the many competing demands, will ensure an appropriate level of safety and will avoid impediments to vessels traveling along designated routes through WEAs.

the participants explored are described in the following sections, organized by transit need, with the caveats above and specific caveats or considerations noted in more detail below.

North-South transit through the western portion of the WEA

Need and purpose

- Fishermen stated a need for a western N-S lane for vessels traveling through the WEA to fishing grounds near or at the dump and the canyons, such as for monkfish fishermen who are still on the clock for DAS management.

Possible locations discussed

- The southern terminus of the corridor could be located in the Dumping Grounds. The corridor could then go due north to a northern terminus located south of No Man's Land island. This location would impact the Bay State, DWW, and possibly a small portion of the Vineyard Wind lease area.

Caveats and Considerations

- The width has not been agreed to at this point. The fishermen have stated 4 miles is necessary and the developers have generally accepted up to 2 miles.
- Participants appreciate the that Ørsted is willing to consider foregoing development on the more isolated lease areas further north and for recognizing the importance of this N-S route through their lease areas.

North-south transit to the east in the middle portion of the WEA

Need and purpose

- This transit corridor would allow fishermen and others from a number of ports to move north and south to and from areas for fishing. In particular, it supports an active fishery that moves between squid and whiting grounds diurnally.

Possible locations discussed

- A north-south corridor just to the east of the Vineyard Wind lease area running through two or three of the new lease areas.

Caveats and Considerations

- There is broad acceptance across stakeholder groups that this corridor is needed and necessary.
- The exact east-west orientation of this north-south corridor needs to be determined. There is some value in having its western edge be created by the eastern edge of the Vineyard Wind lease area, cutting through all three new lease areas. However, for additional marine mammal protection and to provide more contiguity in lease areas, it may be better to orient this corridor further to the east, bifurcating not all three, but only two new lease areas.

East-West transit

Need and purpose

- Fishermen stated a need for efficient, direct transit east-west transit across the WEA for Rhode Island, Connecticut and New York fishermen to get to Nantucket Shoals in the South and a northern means primarily for New York fishermen to move to the productive fishing grounds just south of Martha's Vineyard and north of the WEA.

Possible locations discussed

- A northern east-west corridor primarily through non-leased area between Deepwater Wind's two lease areas (OCS-A 0486 and OCS-A 0487). This would require "shaving off" a portion of the southern of the two DWW lease areas to provide sufficient transit room.
- A southern east-west corridor that runs through the southern portion of the new lease areas, starting at or near the southwest edge of the Vineyard Wind lease area and ending at the most eastern edge of the WEA.
- The exact latitudinal coordinates of the southern east-west corridor would need to be considered for providing the most direct and shortest travel distance, impact on which lease areas, and the degree of that impact. One possible other orientation is to have this transit corridor's southern boundary be defined by the northern edge of the most eastern blocks of the furthest south and east new lease area.

Caveats and Considerations

- The non-leased area between the two DWW lease areas was originally intended to allow for fishing near Cox's ledge, so using this area as a transit corridor may create some conflict between transiting and fishing vessels.
- Fishermen indicated that the possible northern east-west corridor discussed would require travelling north in order to then head further east once through the corridor.
- New York fishermen expressed the importance of having both the northern and southern east-west corridor.
- Ørsted stated that they are very concerned about having both a northern E-W corridor and a further southerly E-W corridor (they suggested one or the other, but not both).
- Some expressed concern that the southern east-west corridor discussed would bifurcate the southern lease areas, reduce the developable area of the leases, and may significantly impact lease viability

Transit from north-west of the WEA to the south-east end of the WEA (“diagonal” transit in the general orientation of the long axis of the WEA)

Need and purpose

- Rhode Island, Connecticut, and New York fishermen need to transit from the ports located to the north-west of the WEA (e.g. Pt Judith, Montauk), through the WEA in a direction generally aligned with the long axis of the WEA, south and east to very productive fishing grounds on the shelf edge to the east and south.
- Primarily New Bedford vessels (and also vessels from other ports) need to transit diagonally through the lease areas at sufficient depth for greater safety, particularly during storms when heading northwest to southeast (the seabed northeast of the lease areas is shallower and poses greater navigational risk).

Possible locations discussed

- Maintaining the original “diagonal” in the September 20 fishing industry consensus plan.
- A more southerly diagonal route that would be a combination of corridor and open water, that “skims” along the southwest edge of the current Bay State Lease Area (OCS-A 0500), and then turns east, through the southern portion of the new lease areas and possibly a portion of the Vineyard Wind area.

Caveats and Considerations

September Diagonal Possibility

- Because of strong concerns from Ørsted regarding this “center diagonal” route from the September plan, participants in this workshop did spend time on this possibility during this workshop. However, as noted above, this center diagonal remains, until otherwise determined, the preferred route of the fishermen’s caucus.
- Vineyard Wind indicated they have no concerns with the “diagonal” contained in the September 20 consensus plan, and had included it in its permit applications.
- Others noted that having a northern route through the two existing array designs and far south diagonal would reduce the “hub and spoke” traffic congestion of the 20 September diagonal route, shorten the travel time distance for New Bedford and certain other vessels to the north, and reduce the effects of a corridor causing loss of developable area and extensive transit time through lease areas.

Southerly Diagonal Possibility

- If Ørsted removed the north-south “panhandle” of their current lease area from development if it would allow an additional southern diagonal route to be more direct.
- Rather than creating a designated transit corridor in this southerly area, this route might be operationalized by requiring no surface occupancy in areas where the route overlaps with portions of the new leases. In this scenario, there would not

- need to be a determination of width since the southern “boundary” of this route would be open ocean.
- One of the developers noted concern about this southern diagonal route further removing developable area from the yet to be leased three southeastern lease areas.
 - The USCG expressed concern about this southerly route intersecting “diagonally” with the formal traffic separation scheme that runs east-west just south of the NE WEA heading to and from New York. The USCG noted that they strongly prefer intersections of corridors to be at a 90% angle. However, NMFS’ data presentation showed that a lesser angle could be consistent with existing actual practices.
 - A route to the south of the Bay State lease area would not accommodate New Bedford and other fishermen who start a diagonal route further to the north of the WEA, and at not from a point west of the WEA.

Current Array Designs

- In response to the above concern for New Bedford, Vineyard Wind offered that given their recent decision to use a 9.5 MW turbine they may have some flexibility with respect to the spacing of turbines which could allow for wider spacing between certain turbines to facilitate fishing activity and/or transit through their currently proposed turbine area; spacing approaching 2 nm could be achieved in some areas. Vineyard Wind suggested this possibility with three important caveats: 1) that increased spacing between turbines would not be a substitute for a northeast to southwest diagonal transit lane through the WEA; 2) it would likely increase the total turbine area that would not have the east-west row alignment sought by Rhode Island fishermen, and 3) any adjustments would be constrained by the requirements of Vineyard Wind’s permit applications, which are well advanced in the permitting process and which limit Vineyard Wind’s ability to make any firm commitments at this time (given that Vineyard Wind cannot know the outcome of permitting directives).
- The Port of New Bedford, along with others, was supportive of this approach.