# JOINT INDUSTRY TASK FORCE

**Hilton Garden Inn, Warwick RI October 17, 2019**

**8:30 am to 3:00 pm**

**Meeting Summary:**

Participants: Katie Almeida, Peter Anthony, Rodney Avila, Crista Bank, Bonnie Brady, Jenny Briot, Monique Coombs, Doug Copeland, Tom Dameron, Jarrett Drake, Jen Flood, Chris Glass, Joe Gilbert, Martin Goff, Eric Hansen, John Haran, Peter Hughes, Meghan Lapp, Elizabeth Marchetti, John O’Keeffe, Gerry O’Neill, Rachel Patcher, Ruth Perry, Wayne Reichle, Eric Reid, Rick Robins, Wes Townsend, Kevin Wark, Bill White, Christen Wittman

Staff: Pat Field, Annie Hawkins, Fiona Hogan, Lane Johnston

## Introduction and Updates

Debrief of the Educational Forum:

The group noted that the Educational Forum was a helpful starting point for an informational exchange, but there were many things on both sides that did not get covered, particularly the more difficult and complex aspects of each industry. The differences between regions also should be noted (i.e. MA/RI projects are different from the NY Bight and NJ areas), but fishermen feel that there are often many commonalities between sites when speaking about their concerns. The Educational Forum made clear the need for ROSA to begin doing work.

Some missed fisheries topics included: days at sea fisheries, time on the clock, steaming and fuel costs, safe and quick navigation, current closures and how they overlay with WEAs, extent to which the fishing industry is regulated, captain exhaustion and stressors, and how different fisheries analyze their data.

Missed topics from wind energy development included more about the regulations, how developers approach a research agenda, mobile gear fishing overseas in WEAs.

RODA Updates

New hire: Fiona Hogan, starting mid-November.

Received 2 grants from NYSERDA: 1) Fisheries Knowledge Trust- with John Manderson, working with fishermen to envision how they want to use the data they are collecting. Raw data will be fishing industry-owned. Currently in the early stages, but once data tool is made, hopefully it will be useful for informing wind energy engagement. 2) Fishing Vessel access within WEAs with NREL (National Renewable Energy Lab) - first phase: working with fishing industry focus

groups to look at ways to document experience relevant to operationality and safety within arrays. Second phase will start to integrate those concerns into models of turbine layout and wind farm design options.

Transit workshops: USCG in process of finalizing MARIPARS study. Continuation of NE Transit workshop has been put on hold until USCG study is released. Continuation of NY Bight Transit workshop: working with NYSERDA to summarize data into maps and mapping tools (with transit lane options) that can be used to provide comments to BOEM on lease areas.

Discussion - concerned about transiting through and fishing in WEAs, not just turbines but changing patterns of recreational boats and fixed gear, as well as resulting insurance concerns for those that may operate in an area.

*Action Item*: Literature review of what is happening/happened to fishing and operations for mariners in EU. Some participants expressed concerns about the benefit of this because the scale of US fisheries/vessels/species/turbine technology/etc. is markedly different than in Europe, but the group’s consensus was that this information would be useful for background information.

ROSA Update

Developers have committed funding for 1+ years, policies and procedures have been drafted, Executive Director hiring process ongoing.

## Navigational Aids

*Discussion revolved around clarification about requirements and standards for navigational aids on turbines and around wind energy areas (WEAs). This included an in depth conversation about AIS and the need to understand the full capability of AIS in a WEA. Task Force should aim to go above standards and requirements from USCG/BOEM/etc. when beneficial to mariners. Action items include: develop a subcommittee, develop a fact sheet with current standards, study on AIS capability, and communicate/collaborate with AWEA navigational safety working group.*

There are differences between FAA and on-the-water requirements for lighting and safety aids. USCG drives lighting, color and rules requirements. Standards can’t vary, but the group discussed that the aim of the Task Force is not to outline the minimum (USCG) but to look at the extent of what is possible. USCG regulations can be amended, particularly if this joint industry group is able to provide strong evidence to do so.

*Action Item*: Prepare fact sheet on what are the different types of lighting/navigational safety aids currently required.

Developers identified a few things to discuss: strength of light around periphery (2-5 nm lights, # of fog horns), AIS, consistency across wind farms, clear markings on turbines to identify position, MRAS - marine radio activated sound system (VHF activated by capt.).

The group discussed concerns about maintenance and upkeep of navigational aids; sometimes the USCG fails to provide adequate upkeep. Developers will have heavy fines and strict requirements to upkeep navigational aids in their projects. Also they will be transiting in and out of the WEAs frequently with cargo transfer vessels and helicopters so it is to their own benefit to maintain good safety and navigational aids.

AIS was identified as a potential tool, but there is a need for more information: differences in Class A and B AIS capability, what is lost when there are too many points on a plotter (far or near objects), and the ability to see other vessels in a wind turbine array. Some suggested a possible mitigation component of providing AIS or better AIS hardware, although at >12nm vessels tend to turn it off.

AWEA has a working group on this topic, looking at projects and sites more specifically. There is no written document yet but it may be worthwhile to coordinate with that group to determine if there are opportunities to involve fishermen. Also we should make sure we are not duplicating the effort of the AWEA working group.

*Study need:* Understanding the capability of AIS in a Wind Farm. Which points are lost first? Differences between Class A and Class B AIS - costs and ability to see? What happens with old AIS technology and how does time wear on the devices?

*Consensus recommendation*: AIS should be on turbines (safest for all vessels to have AIS but this would be difficult to implement)

*Consensus recommendation*: Fishing Industry come up with recommendations/requirements that are desired and presented to all developers. Things that are in conflict/different from USCG could be co-addressed with CG.

*Consensus recommendation*: Do not have radar repeater in arrays, as they cause way too much confusion to be beneficial.

*Action Item:* Establish a subcommittee to provide additional recommendations. Tasks include:

* 1. Explore collaboration with AWEA
  2. Draft Fact Sheet
  3. Identify issues and questions to bring to bigger TF group
  4. Discuss AIS study and questions
  5. Create strategic plan of how/if to engage with USCG
  6. Volunteer subcommittee members: John O, Doug C, Crista B, Joe G, Bonnie B, Elizabeth M, Gerry O, Rick R, additional RODA fishermen

Vineyard Wind is currently doing a study on radar interference. Using the Navigational Risk Assessment company and Crystal Electronics to do a field trial on BIWF to look at interference; using 2 different vessels with 2 different radar units.

*Consensus recommendation:* Include vessels with large structures on them in the study.

## Fishing Activity and Effort

*Continued discussion on how to better engage with fishing industry working within certain lease areas. There are some new data products that may be helpful to understand fishing effort but not every fishery will have this type of data. While the European experience will not be the same as what will happen in the US, an intern co-advised by CBI and RODA will work on building a database on studies from past experiences.*

Developers would like to know who is fishing in the lease area at different times of year and how to get in contact with them to inform them about ongoing activities. There is a breakdown of communication because it is not always known who is in the area and thus who needs to be included in the conversations. Currently this is done through individual conversations at the docks and some handouts left at dealers and the port offices.

It was recommended that fishing reps continue to have conversations on the docks, but also to reach out to the Port Agents who may have a better large scale overview. Also cumulative data on ports, landings, etc. is all publicly accessible. It is also worthwhile to work with and talk to other fishing organizations (for example Commercial Fishermen Center of RI) to answer questions more specific to their region.

The fishing industry participants expressed that it is problematic to equate the European (or Gulf of Mexico oil and gas) experience to what will happen in the US because of gear type, vessel size, etc. There is also a need to understand fleet behavior (market drivers, fuel costs, regulatory and management affects).

Ongoing data projects on fishing activity: A portion of the clam fleet is working on VMS tracks of transit and tows for the NJ lease areas. The group agreed that this type of work states the bounds of data; it doesn’t show the spatial operational needs of a vessel and only includes VMS data. One fishing company is very invested in a certain lease so they see this product to have a specific value for consideration in that particular layout.

The group discussed the need to consider which fisheries will be able to provide what kinds of data products. Not all will be able to and there will be differences among fisheries and operators. Consideration for confidentiality and data constraints needs to be understood.

## Mitigation Plans

*While defining mitigation was difficult, the Task Force identified key elements of mitigation broadly. There was also discussion on whether mitigation plans should be included in the RFP process and thus used to make different projects more competitive. This will continue to be revisited at future meetings with both industries evaluating what is currently working and not working in the interim.*

Defining “avoidance,” “minimization,” “mitigation,” and “compensation” of impacts is difficult but necessary in order to talk about pathways forward. Several participants offered differing definitions of “mitigation” including; ways to make things less painful for fishermen, ways to minimize impacts to the fishing industry. One participant shared that they often uses the term compensatory mitigation instead because it is more informative. Additional science can be used to help define what falls into the avoidance, minimization and mitigation categories.

Examples of potential mitigation included; cabling routes, seasonal construction to avoid interactions with right whales, utilizing fishing vessels to do surveys, removal of old cables, funds to support upgrades (but it was noted that this comes close to compensation), or utilizing shoreside infrastructure.

Mitigation plans should be unique to the area/fishery/space-user/etc. but there also needs to be some consistency between states because there may be projects that plug into multiple states.

Participants discussed the concept of using a proposed mitigation plan as a way to make RFPs more competitive during lease selection processes. They felt that fishermen would then need to be involved, or at least have a seat at the table at this time which the fisheries participants felt that most often they do not. Some expressed concern that competitive mitigation plans may not lend to a collaborative nature and those mitigation plans may get locked in when that aspect of the bid was not prioritized in a way that the fishing industry would prefer. But alternatively, competitive mitigation plans between developers may give more strength to the fishing industry.

The Task Force identified some different major **ELEMENTS** that go into a good mitigation plan generally (with examples):

* Monitoring: what species, how long before/after, who and how (ROSA)
* Access and design: alignment, spacing, location, transit, process (F-TWG, NREL)
* Safety: navigation, construction (F-TWG)
* Onshore: facilities, timing
* Offshore: displaced effort & enhanced effort elsewhere, technical gear development
* Construction: timing, tools
* Operations
* Survey: timing, methods
* Communication and engagement: state working groups, fish reps and liaisons
* Evaluation: BOEM statues, process of plans
* Research: decrease uncertainty in stock assessment, trawl survey changes, cooperative research, NEMAP, survey
* Then, compensation

*Consensus Role of the Task Force:*

Continuing to work with ROSA and NMFS to collect *relevant* and *trustworthy* data (ie. properly calibrated if new study methods are used) is key when we think about mitigation planning.

Both industries would like to look at BOEM and state plans and identify what is working and what is not working.

Identify long term and short term strategies: push agencies to address survey needs (short term), consider and improve the role of fishing representatives and liaisons (short term), define what is a good mitigation plan process (long term)

## Array and Layout Designing Process

*Array and layout design continue to be contentious issues. Recommendations to improve transparency in decision-making and prioritization used during the design process.*

Components of array design to be discussed:

* Leaseholder and project area specificities (substrate, other reasons)
* Elements that are economically driven
* How to share draft designs and gather/respond to public comment (direct fishermen engagement, other?)
* Education/learning
* Uniformity across leases in NE
  + Consistency of spacing, orientation
  + Fishermen reiterated request for spacing of 1 nm/2nm and 4nm transit
* Timing; feedback; responsiveness; sequencing; stability; confidentiality

There was some confusion on what agreements had previously been made, including the standard for using gridded layouts (and thus uniformity across lease areas). Additionally, many fishery members felt that they have repeatedly asked for a *minimum* of 1nm spacing, but they are concerned by the <1nm spacing in layouts that have been presented. Developers shared that there are many constraints that go into the array design. It may be beneficial for fishing industry to hear rationale behind why a layout was designed in a certain way that is different from what they have requested.

Transparency in how these decisions are made about array design and layout may help people feel that both industries are actually acting in good faith.

Then Annie made an analogy about how we need to come together at a neutral space, not in the back alley (too dangerous), not at the police station (too strict), but maybe in a more social setting:



## Next Steps

Navigation Aids:

* Subcommittee tasks outlined above
* RODA to reach out to AWEA to explore opportunities to cooperate Fishing effort & fleet behavior changes:
* Recommendation to engage with Port Agents in addition to walking the docks
* Build a database and small literature review on EU, UK and GoM studies/resources by CBI intern in November (Pat and Lane will co-advise)
* Discuss role of fishing representatives Mitigation:
* Continue to work with NMFS and ROSA to gain a better understanding of how science can better inform mitigation process
* Both industries should begin to identify what is working and what is not working in BOEM and state mitigation plans; can build on information in briefing paper circulated prior to meeting
* Review BOEM BMPs and hold a teleconference with interested Task Force members, collect issues and ideas, prepare briefing paper on the role of fisheries liaisons and representatives
* Revisit in later Task Force meetings Array Design and Layouts:
* Better explanation of how layouts are chosen, array design, and how developers incorporate all the different interests
* Outline where in the stages of design meaningful input can be incorporated
* Consider innovative processes to more collaborative design arrays Next Task Force Meeting: mid-January before NEFMC