

May 28, 2019

CAPT G. D. Case, Acting Commander  
First Coast Guard District  
408 Atlantic Avenue  
Boston, MA 02110

**Re: Port Access Route Study: The Areas Offshore of Massachusetts and Rhode Island [Docket No. USCG-2019-0131]**

Dear Captain Case,

The Responsible Offshore Development Alliance (RODA) submits the following comments regarding the United States Coast Guard's (USCG) Notice of Study for its Massachusetts and Rhode Island Port Access Route Study (MARIPARS). We are extremely appreciative that USCG has prioritized this study and urge it to proceed expediently but diligently to identify safe and practical transit routes for fishing vessels that must traverse the large proposed wind energy arrays in Southern New England.

RODA is a membership-based coalition of fishing industry associations and fishing companies with an interest in improving the compatibility of new offshore development with their businesses. Our Board of Directors consists of representatives of commercial fishing businesses and vessels from federally- and state-permitted Atlantic fisheries from North Carolina to Maine. Currently our membership includes major Atlantic fishing associations, dealers, and affiliated businesses, plus over 120 vessels across nine states operating in approximately 30 fisheries. RODA does not advocate for or represent any one particular fishery; rather, it actively endorses only those positions that are common amongst commercial fishing industry participants, and it offers a platform for gathering input from a broad range of fishery representatives when multiple viewpoints exist.

Our diverse membership is concerned with impacts to their businesses from the numerous areas sited for offshore development along the Atlantic Coast. Some of the biggest unknown consequences from these rapidly developing projects include changing traffic patterns, navigational safety, and port access conflicts. Safety is too important to be left to the discretion of those who are not navigation experts, or to be determined on a site-by-site basis without a holistic understanding of regional impacts of development. Furthermore, these decisions need to be fully informed and vetted by the governmental agency whose number one priority is the safety of mariners operating upon the waters of the United States. RODA therefore applauds USCG for initiating the MARIPARS study for the lease areas off of New England in order to perform unbiased review and ensure that all mariners' needs are fully considered.

**I. Background**

As referenced in the Notice of Study, various forums over the past year have attempted to address the identification of safe navigation routes to facilitate vessel transit through the MA/RI Wind Energy Areas

(WEA). Following several meetings convened by the Massachusetts Coastal Zone Management Fisheries Working Group, RODA held two workshops in October and December 2018 to bring fishermen together with offshore wind energy leaseholders, federal, and state regulators in order to find a “consensus” position on transit lane design. The series of meetings failed to lead to specific recommendations for transit lane location and width, in large part due to adjacent leaseholders’ inability to achieve agreement regarding the continuation of transit lanes through each wind energy site.

Unfortunately, the existing regulatory process created the situation (or at least, the appearance) that the designation of fishing vessel transit lanes could only occur as a concession on the part of developers. RODA firmly believes that the preservation of traditional, historic, and sustainable commercial fishing should never be relegated to an afterthought of the offshore wind energy leasing process. Moreover, even had the leaseholders agreed to include a specific set of transit lanes in their respective project designs, those would not have included a full analysis of the safety and navigation considerations associated with the constriction, or “funneling,” of a large number of vessels into relatively small transit areas, which is unprecedented in this area. These analyses are absolutely critical to prevent casualties including the potential loss of life.

The 2018 workshops elicited important feedback from the fishing industry regarding its collective concerns and positions regarding minimum requirements for safe transit. Meeting participants at RODA’s October workshop agreed that key interests informing transit lane designation should include:

- Safety;
- Honor traditional fishing routes;
- Consistency across lease areas;
- Ensure everyone’s efficiency;
- Address multiple uses of these lanes;
- Accommodate dynamic fisheries and potential future conditions;
- Considering the transit connections between array design and transit corridors around or within;
- Data-driven decisions;
- Address cumulative impacts; and
- Transparent process.

Fishing industry representatives identified the following interests to address:

- Fishing within lanes;
- Fishing on grounds;
- Protect existing/historic fishing practices;
- Fairness for different ports;
- Efficiency;
- Safety;
- Business co-existence;
- Consistency across lease areas; and
- Research needs (e.g. maintain data sets from trawl surveys and the like).

The December workshop further identified the following principles:

- Connecting fishing ports to fishing grounds (or connecting multiple fishing grounds typically visited on one trip) in as short a distance as possible, thereby:
  - Minimizing transit time through the WEA, and thus minimizing risk and navigational challenges
  - 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
  - Minimizing time to market for fresh product.<sup>1</sup>
- The transit corridors must serve holistically to facilitate transit and any final approach must be a “package” rather than individual, singular routes.

With regard to the map referenced in the Notice of Study, we note that it does not represent a formal recommendation from RODA nor any of its members. Rather, it was a working document developed during our December 2018 workshop intended to show the approximate direction and location of areas where fishing vessels currently transit to access their grounds. The locations were somewhat modified due to input from developers regarding their respective project plans, and the widths of the transit lanes were not reflective of a fishing industry “consensus” (as explained below), but rather some potential “compromises” to generate discussion.

The remainder of these comments reflects the input RODA received from fishing industry participants during its transit lane deliberations.

## **II. Transit Lanes Must Be a Minimum Width of 4 Nautical Miles**

Fishing vessels operate in different ways throughout the WEA and fishermen have different points of view regarding many aspects of wind energy development. Despite these differences, one position that has absolute agreement amongst the large number of vessel owners and operators (both RODA members and non-members) is that transit lanes through wind energy arrays must be a minimum of 4 nm wide in order to accommodate safe passage, and further studies must be done to ensure that radar interference will not occur within that distance.

The MA/RI WEA covers 1400 square nm. Assuming full build-out of the WEA, it will be the largest contiguous wind energy area in the world. Transit lanes through the area must be considered accordingly and provide reasonable and safe accommodation for multiple vessels. Even more caution is required for emergency situations, such as unpredictable weather events or loss of power. Thus, transit lanes must be wide enough for search and rescue efforts to operate under these conditions.

Furthermore, as WEAs alter the navigational routes of vessels to and from fishing grounds and ports, there will be a funneling-effect of vessels that previously had access to a much larger area into these limited transit lanes. It is paramount that these lanes be sufficiently wide enough for that increased volume of vessel traffic to transit safely. Of particular concern, changes in weather may lead to rapid increased transiting of vessels back to their homeport. If transit lanes are not sufficiently wide this would lead to a bottleneck effect and create serious safety risk. Thus, high traffic within these lanes should be considered as sizing is determined.

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<sup>1</sup> Further details of the discussions are included in the meeting summaries, attached to this document as Appendices I and II.

It is well-established that offshore wind turbines interfere with radar systems, including those upon which fishing vessel operators rely while underway. We know from fishermen’s experience with the Block Island Wind Farm and in the United Kingdom that false echoes, shadowing, and other radar errors certainly occur when operating in proximity to wind turbines. RODA has yet to identify studies that specifically quantify the distance and degree of such ship-based radar interference that can be expected from turbines of the 9.5 MW size proposed for the Vineyard Wind project—the largest in the world—and potentially larger turbines that may be selected for subsequent projects in the MA/RI WEA. Alarming, the rapid technological advances in offshore wind structures and substructures has led to significant uncertainty over the full impacts of these units that cannot be readily studied prior to project approval.

Despite the uncertainty associated with the larger turbines, we do know that significantly smaller turbines in the U.K. are documented to cause “strong” radar interference for a distance up to 1.5 nm.<sup>2</sup> The much larger size of the MA/RI turbines, the enormous overall size of the leased area, regional weather conditions, and other factors therefore suggest that 4 nm would be *minimum* acceptable width, and only so long as radar interference can be mitigated so as not to extend beyond that distance.

### **III. Transit Lanes Must Preserve Reasonable Operations in Multiple Fisheries**

While the MARIPARS study must first and foremost prioritize safety considerations, transit routes must also preserve current fishing routes to the maximum extent possible. As noted above, the “alternative layout” map credited to RODA in the Notice of Study approximates certain routes that participants in multiple fisheries identified as the most important transit areas to preserve in order to minimize impacts to their operations. These are summarized below in no particular order and described in greater detail in Appendix II.

#### *Route 1: North-South transit through the western portion of the WEA*

Fishermen require 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 “on the clock” while transiting due to the fishery’s days-at-sea management regime.

#### *Route 2: North-South transit to the East in the middle portion of the WEA*

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

#### *Routes 3 and 4: East-West transit*

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<sup>2</sup> Maritime and Coastguard Agency, *Marine Guidance Note 372* (2008) § 2.8.2 (“The turbines produced strong radar echoes giving early warning of their presence. At close range, however, the trials showed that they may produce multiple reflected and side lobe echoes that can mask real targets. These develop at about 1.5 nautical miles, with progressive deterioration in the radar display as the range closes. Where a shipping lane passes within this range considerable interference may be expected along a line of turbines.”)

Fishermen from Rhode Island, Connecticut and New York transit directly E-W across the WEA to get to Nantucket Shoals in the south. To the North, New York fishermen in particular move directly from port to the productive fishing grounds just south of Martha's Vineyard and north of the WEA.

Note that the "open" area between the two Ørsted lease areas was originally intended to preserve fishing near Cox Ledge. It is unclear how project proposals will affect the ability of vessels to fish in that area. If there is enough spacing between turbines to allow any fishing activity there, vessels may be transiting to and from those grounds. However, its designation as a transit corridor could then lead to conflict between transiting and fishing vessels.

*Route 5: Transit from Northwest of the WEA to the Southeast ("the diagonal")*

The "diagonal" route identified in each of the maps contained in the Notice of Study is another 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. Pt 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.

**IV. Transit Lanes Must Be Based on Appropriate Input and Data Analysis**

RODA encourages USCG to include all available traditional and nontraditional data to inform the MARIPARS study, as well as the extensive input contributed by fishing industry participants at the multiple workshops. As we and others have noted, AIS and VMS data provide important information to understand movement patterns for some vessels and fisheries, but these data streams are not fully representative of every fishery and vessel in the region and only contain data collected in the past several years. Due to interannual variability in fisheries distribution and management that may require studies using longer time series, broad shifts in stock distribution resulting from changing environmental conditions, and differences in reporting requirements among fisheries, certain vessels' activities are best understood by examining a broader range of data sources. We therefore encourage USCG to work with the National Marine Fisheries Service (NMFS), RODA members and other fishermen throughout its preparation of the MARIPARS study to ensure its accuracy and inclusiveness.

**V. USCG Should Conduct a Similar Study for Wind Energy Areas in Other Locations**

RODA requests that USCG perform a similar analysis for Atlantic ports that are not included in the MARIPARS study as part of its upcoming Port Access Route Study (PARS).<sup>3</sup> Recently RODA co-hosted, with the New York State Research & Development Authority (NYSERDA) a workshop to gather feedback related to fishing transit throughout the New York Bight related to areas designated for offshore wind development. A major outcome of the workshop was the expression of a clear and mutual desire from the commercial fishing industry – both operators and representatives – for the USCG to perform a similar study to MARIPARS for other ports in the Atlantic region. A final summary of feedback collected

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<sup>3</sup> RODA submitted a separate comment letter regarding this request dated May 1, 2019 under Federal Register Docket No. USCG-2011-0351. Those comments are attached hereto as Appendix III.

at this workshop is being written and will be shared with USCG once it has been finalized.<sup>4</sup> Coastwide transit is fundamentally interconnected, and these efforts should be coordinated to the maximum extent possible in order to ensure holistically sensible outcomes.

**VI. Transit Lanes Must Be Mandatory Components of Project Approval and Based on International Standards**

Finally, while we understand this may be largely outside of USCG's purview, it is imperative that any evidence-based finding regarding transit needs are in fact implemented and required as a precondition of any lease or project approval. Safety simply must not be compromised in the name of politics and negotiation. RODA urges USCG to designate transit lanes under the principles of internationally recognized traffic separation schemes, with full consideration of traditional and established uses, and the use of these areas by vessels of multiple size classes and types. Formally designating the transit lanes under the appropriate domestic and international laws will ensure their regulatory significance, consistency and continuity as additional areas are leased for offshore wind energy development and other activities.

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RODA and its member organizations thank you for your consideration of these comments. Please do not hesitate to contact us if we can provide additional information or otherwise be of assistance.

Sincerely,



Annie Hawkins, Executive Director



Lane Johnston, Programs Manager  
*Responsible Offshore Development Alliance*

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<sup>4</sup> The final summary from this workshop is still in preparation. Attached in Appendix IV is the draft summary from the NY Bight Transit Workshop.