



Responsible Offshore Development Alliance

July 6, 2020

Mr. Jerry Barnes and Mr. Matt Creelman
Fifth Coast Guard District
431 Crawford Street
Portsmouth, VA 23704

Re: Port Access Route Study: Seacoast of New Jersey Including Offshore Approaches to the Delaware Bay, Delaware; Docket No. USCG-2020-0172

Dear Mr. Barnes and Mr. Creelman;

The Responsible Offshore Development Alliance (RODA) submits the following comments regarding the United States Coast Guard's (USCG) Notice of Study for the Port Access Route Study: Seacoast of New Jersey Including Offshore Approaches to the Delaware Bay, Delaware (hereafter referred to as the NJ/DE PARS).¹

RODA is a membership-based coalition of fishery-dependent companies and associations committed to improving the compatibility of new offshore development with their businesses. Our approximately 170 members are comprised of major fishing community groups, individual vessels, and shoreside dealers operating in federal and state waters of the New England, Mid-Atlantic, and Pacific coasts.

As we have detailed in previous comments to USCG and other regulatory agencies, RODA and its members are committed to safety at sea for the fishing industry and have played an ongoing role in the development of recommendations for turbine layout, orientation, and fishing vessel transit needs in wind energy arrays. RODA continues to urge the regulatory authorities, including USCG, to work together and to exercise special care in conducting analyses and gathering input from impacted fishermen in order to ensure that impacts are effectively addressed. We greatly value collaborating with these agencies—as well as offshore wind developers—on mutually satisfactory solutions that will support coexistence among multiple ocean uses. RODA strives to move quickly toward a future in which fishermen can work together with project proponents and federal and state authorities to productively and efficiently approach project design and mitigation in a manner that effectively reduces risk for both industries.

On May 27, 2020, RODA submitted a formal request for a public meeting for the NJ/DE PARS prior to June 4, 2020, as requested by the FR Notice.² Unfortunately we have not heard of an announced public meeting, virtual or otherwise, and are concerned that the deadline for public comment has remained unchanged. RODA strongly urges USCG to host a public meeting prior to initiation of this study to ensure sufficient opportunities for public input and engagement.

¹ 85 Fed. Reg. 26695 (May 5, 2020)

² See Letter from Lane Johnston, RODA, *Comments Submitted on Port Access Route Study: Seacoast of New Jersey Including Offshore Approaches to the Delaware Bay, Delaware; Docket No. USCG-2020-0172* (May 29, 2020)

This PARS study includes the 5 areas already leased for wind energy development off of NJ, and the Hudson South Call Area in the New York Bight. As the wind energy areas encompassed by the study area are at various stages in the identification and leasing process, it is important that USCG looks at an encompassing range of potential energy development layouts, port capabilities, alterations to navigation patterns, and navigational difficulty in the context of multiple developed areas. With this holistic approach in mind, RODA formally requests consideration of the following in the NJ/DE PARS study:

- I. Use of sufficient and representative data of fishing effort in consultation with fisheries experts;
- II. Analysis of vessel access and associated risk from a range of array layouts of wind energy areas (WEAs);
- III. Use of the Closest Point of Approach (CPA) methodology from the Marine Planning Guidelines contained in the COMDTINST 16003.2B³ in guidance related to the width of navigational safety corridors;
- IV. Use of the New York Bight Transit Lanes Surveys, Workshop, and Outreach Summary⁴ for consideration of transit “lanes” (more properly characterized as “navigation safety corridors”) in the Hudson South Call Area; and
- V. Analysis of possible directional transit corridors on the northern edge of OCS-A 0498 (Ocean Wind) and potentially southern edge of OCS-A 0499 (Atlantic Shores).

I. Use of appropriate fishing data

As repeatedly requested by RODA and members of the fishing industry, analysis of fishing effort, patterns and spatial use should not solely rely on Automatic Identification System (AIS) technology. While there are some fisheries and vessels monitored by AIS, there are several others that do not use this technology or the effort is not adequately and correctly characterized by AIS reports. Thus, significant and extensive outreach to vessels operating in the area must be conducted and included in the NJ/DE PARS study. We echo the necessity to consider all available fisheries data presented in the comment letter submitted by the Mid-Atlantic Fishery Management Council⁵ to this Federal Register Notice. We strongly urge the Fifth Coast Guard District to work with fisheries experts, including the Mid-Atlantic and New England Fisheries Management Councils, Atlantic States Marine Fisheries Commission, NOAA’s National Marine Fisheries Service (NMFS) & Greater Atlantic Regional Fisheries Office (GARFO) and other regional experts, to identify proper data sources for analysis in the NJ/DE PARS.

³ United States Coast Guard, *Commandant Instruction 16003.2B, Appendix E. Marine Planning to Operate and Maintain the Marine Transportation System (MTS) and Implement National Policy* (June 28, 2019) at E-4.

⁴ NYSERDA and RODA, *New York Bight Transit Lanes Surveys, Workshop, and Outreach Summary* (June 10, 2020) https://www.nyftwg.com/wp-content/uploads/2020/06/NY-Bight-Transit-Lanes-Workshop-and-Outreach-Summary_-Final-Draft.pdf

⁵ See Letter from Christopher Moore, Executive Director, Mid-Atlantic Fisheries Management Council, *Comments Submitted on Port Access Route Study: Seacoast of New Jersey Including Offshore Approaches to the Delaware Bay, Delaware; Docket No. USCG-2020-0172* (July 6, 2020)

II. Analyze a range of array layouts of WEAs

RODA formally requests the analysis of vessel patterns, safety and navigational demands of multiple scenarios of WEA layouts, including with and without navigational safety corridors in the NJ/DE PARS. As stated in RODA's Request for Correction⁶, the recently published final MARIPARS was improperly narrow by focusing on only one layout design. While RODA has repeatedly been told that the findings from MARIPARS will not set precedent for future PARS studies, it is worth reiterating that the NJ/DE PARS should analyze safety, vessel patterns and navigational risk associated with *multiple* layouts that are still possible under the BOEM development process. RODA proposes the range should consider the layouts presented by the lease holding developers to the extent those layouts have been developed and layouts with navigational safety corridors (of a range of widths) through or between projects, phases, and adjacent leases. Feasible alternatives for analysis could be refined by working with the Councils, NMFS, GARFO, fisheries groups, RODA or others during the duration of the NJ/DE PARS study.

III. Use of Closest Point of Approach (CPA) guidance

To reiterate RODA and Dr. Tom Sproul's comments^{7, 8} submitted to the draft MARIPARS analysis, we highly recommend the use of USCG's CPA guidance from the Marine Planning Guidelines in COMDTINST 16003.2B⁹ in calculating adequate width and spacing between fixed hazards. If an alternative methodology must be used for these calculations in the NJ/DE PARS, sufficient justification must be provided. It is unclear from the record why CPA guidance was not used in the MARIPARS study. Consistent with RODA's comments on the Notice of Study and Draft Study for MARIPARS, we suggest it be followed for this and all PARS studies in the future until and unless USCG updates its own guidance documents.

IV. Consideration of the NYSERDA Transit Summary document

RODA recommends thorough consideration and incorporation of the New York Bight Transit Lanes Surveys, Workshop, and Outreach Summary¹⁰, specifically in the review of vessel routing measures for the Hudson South Call Area. Numerous hours and resources were used to develop this

⁶⁶ See Letter from RODA, *Request for Correction: Massachusetts/Rhode Island Port Access Route Study*; Docket No. USCG-2019-0131 (June 29, 2020) <https://rodafisheries.org/wp-content/uploads/2020/07/200629-MARIPARS-correction-RODA.pdf>

⁷ See Letter from RODA, *Port Access Route Study" The Areas Offshore of Massachusetts and Rhode Island*; Docket No. USCG-2019-0131 (March 16, 2020) Available at <https://rodafisheries.org/portfolio/northeast-wind-energy-area-transit-lane-development/>

⁸ See Letter from Dr. Thomas Sproul, *Comments re: MARIPARS draft of 1/22/2020: Docket USCG-2019-0131* (March 16, 2020) Available at <https://rodafisheries.org/portfolio/northeast-wind-energy-area-transit-lane-development/>

⁹ United States Coast Guard, *Commandant Instruction 16003.2B, Appendix E. Marine Planning to Operate and Maintain the Marine Transportation System (MTS) and Implement National Policy* (June 28, 2019) at E-4.

¹⁰ NYSERDA and RODA, *New York Bight Transit Lanes Surveys, Workshop, and Outreach Summary* (June 10, 2020) https://www.nyftwg.com/wp-content/uploads/2020/06/NY-Bight-Transit-Lanes-Workshop-and-Outreach-Summary_-Final-Draft.pdf

collaborative document that includes input from commercial fishermen, offshore wind developers, federal agencies (USCG, BOEM, NOAA/NMFS) and NY state agencies (NYSERDA, NYSDEC). The NJ/DE PARS should build upon the extensive work that has already been done, and at a minimum include analysis of one or more of the possible transit corridors through the Hudson South Call Area presented in the Summary.

The valuable input provided by the commercial fishing industry *prior* to lease sale of potential WEAs in the NY Bight may possibly lead to better collaboration and minimization of future impacts. RODA strongly urges USCG to utilize the extensive outreach that has already been conducted and summarized, including for call areas that were identified without fishermen's input.

V. Consideration of directional transit corridors

Based upon at-sea navigational experience of fishermen who currently transit through and fish in the OCS-A 0498 (Ocean Wind) and OCS-A 0499 (Atlantic Shores) leased WEAs, the industry requests the review of designated directional transit corridors to be included in the NJ/DE PARS. The fishing industry has repeatedly asked for sufficiently wide transit corridors through lease areas to promote the safest possible conditions at sea. In particular, there should be setbacks between lease areas to allow for transit and ecosystem connectivity. Where final project designs have not been approved (and, in the case of NY Bight areas, before leases are delineated), we urge USCG and other state and federal regulators to fully consider the advantages of such buffers solely from the perspective of navigational safety.

Transiting through these WEAs is a significant concern for fishermen in the region. Industry requests that the Fifth District look at the impacts and considerations associated with designating directional transit corridors through the lease areas. In particular, the northern edge of OCS-A 0498 and southern edge of OCS-A 0499 may benefit from safety routing measures for fishing vessel transit. Due to the location of the fish haven on the western side of the leases, and presence of anchored recreational fishing and diving boats, the safety, risk, and changing vessel patterns from directional transit corridors will need extensive analysis. RODA recommends working with the fishing industry interested in this possible transit, as well as the lease-holding developers to understand the benefits and potential drawbacks of such corridors.

Thank you for your consideration of these comments. RODA looks forward to working with the Coast Guard moving forward and please do not hesitate to reach out if we can provide additional information or clarification.

Sincerely,



Lane Johnston, Programs Manager



Annie Hawkins, Executive Director



Fiona Hogan, Research Director
Responsible Offshore Development Alliance