



Responsible Offshore Development Alliance

August 26, 2020

Rear Admiral Thomas G. Allan Jr.,
First Coast Guard District Commander
United States Coast Guard
408 Atlantic Avenue
Boston, MA 02110

Re: Port Access Route Study: Northern New York Bight; Docket No. USCG-2020-0278

Dear Commander Allan;

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: Northern New York Bight (hereafter referred to as the NNY 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 the consequences of offshore wind (OSW) development are effectively addressed. We greatly value collaborating with these agencies—as well as OSW developers—on mutually satisfactory solutions that 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.

We echo and incorporate by reference the comments we have previously provided to USCG on other PARS Notices of Study and Draft Reports, as well as comments submitted by the regional fishery management councils and other experts in fisheries operations, management, and science. RODA's previous letters include:

¹ 85 Fed. Reg. 38907 (June 29, 2020).

- Port Access Route Study: The Areas Offshore of Massachusetts and Rhode Island, Draft Report² and Request for Correction³
- Port Access Route Study: Seacoast of New Jersey Including Offshore Approaches to the Delaware Bay, Delaware, Notice of Study⁴

In particular, we have previously referenced the importance of conducting analysis using appropriate data sets, considering multiple options for transit corridors, and obtaining comprehensive input from fishing vessel operators to supplement cases in which traditional data is not fully informative. These comments are as relevant to the NNY PARS study as its predecessors in other regions.

Specific to the Northern NY Bight, we would also like to highlight four key concerns that USCG should consider in order to mitigate the effects OSW development will have on the safety and operations of the commercial fishing industry.

I. Consideration of the NYSERDA Transit Summary document

RODA recommends thorough consideration and incorporation of the New York Bight Transit Lanes Surveys, Workshop, and Outreach Summary,⁵ specifically in the study of vessel routing measures for the New York Bight Call Areas designated as Fairways North, Fairways South and Hudson North (and Hudson South, although we understand that area may be covered by the NJ/DE PARS). The New York State Energy Research and Development Authority (NYSERDA) and RODA co-convened this effort in March 2019; well in advance of the designation of Wind Energy Areas (WEA). Numerous hours and resources were used to develop a collaborative summary document that includes input from a large number of commercial fishermen, OSW developers, federal agencies (USCG, BOEM, NOAA/NMFS) and NY state agencies (NYSERDA, NYSDEC). The NNY PARS should build upon the extensive work that has already been done, and at a minimum include analysis of possible transit corridors through the NY Bight Call Area as presented in the Summary.

Of particular value in the NYSERDA/RODA workshop was a survey effort to gain input from fishermen regarding important traditional transit routes. We received an unprecedented response to this survey, from nearly all ports and commercial fisheries in the region. Workshop organizers converted the knowledge elicited through the survey into a series of maps showing areas of essential transit routes throughout the Bight. We urge USCG to fully consider this unique and highly important information as an integral part of the NNY PARS.

² 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/>.

³ 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>.

⁴ See Letter from RODA, *Port Access Route Study: Seacoast of New Jersey Including Offshore Approaches to Delaware Bay, Delaware*; Docket No. USCG-2020-0172 (July 6, 2020) <https://rodafisheries.org/wp-content/uploads/2020/07/200706-NJDE-PARS-Notice-of-study.pdf>.

⁵ 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>.

The Call Areas under consideration within the NNY PARS Study Area have yet to be leased for offshore energy development. As such, this provides a unique opportunity to design leases with transit lanes between adjacent lease boundaries or otherwise fully incorporated into lease design. The Workshop recommendations have already provided the first-step to designate transit corridors in the Bight relevant to the ocean users in the region that are optimized to preserve and promote maritime safety. Rather than weighing safety against the requirements of a specific power procurement *after* such agreements have been signed (as USCG did in New England, drawing criticism from fishing vessel operators), leases in the Northern NY Bight can be designed from the start with transit corridors in mind.

In concrete terms, this means that the appropriate width and location of transit lanes can and should be considered from the standpoint of safety and fisheries sustainability alone. As you know, RODA has echoed the consensus position of the region's fishermen that turbine-free routes through the New England lease areas must be at least 4 nm in width in order to preserve safe transit. In the NY Bight area, the exact widths required would be dependent on the length of transit, types and density of vessels in the specific area, water depth, effects of radar interference from current-generation OSW technology, and other factors. In any case, such routes should in no circumstances be less than 2 nm, and it is possible that even greater than 4 nm could be required under certain conditions.

This 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 initially identified without fishermen's input.

II. Flexibility in recommendations to allow for industry-to-industry design considerations

RODA has collaborated with Equinor to host transparent and inclusive industry-to-industry layout meetings, to discuss layout design and possible alternatives for the Empire Wind 1 Project. This is the first instance of direct dialogue to occur between fishing industry and a developer to maximize fishable area to the extent possible within a wind energy area, outside of the regulatory process. The iterative process RODA members have had with Equinor strives to preserve as many traditional fishing tow areas as possible. This type of collaboration should be supported and the PARS recommendations should leave flexibility to accommodate layouts that are most effective across ocean users—even if such layouts are not arranged in a standard grid pattern.

Recommendations from the NNY PARS analysis should allow for opportunities and dialogues such as this to continue to occur, and avoid providing a one size fits all prescription to all wind energy areas. We acknowledge that the Coast Guard has indicated that the results from the Massachusetts and Rhode Island PARS are unique to that region and encourage adherence to that commitment as new regions undergo their own PARS analysis.

III. Continue to address radar issues indicated by the DOE-led interagency WTRIM group

The fishing industry continues to express deep concern for the lack of understanding and commitment to address impacts to marine navigational radar from wind turbines. Previous PARS have failed to adequately address these concerns and consequently there are no substantial mitigation recommendations from the Coast Guard in regards to impacts on marine radar.

The Department of Energy's Wind Turbine Radar Interference Working Group (WTRIM) has hosted several public workshops and panels on the topic, and RODA strongly supports the Coast Guard's continued work on addressing radar interference from turbines. As you know, many mariners rely heavily on their marine navigational systems, including radar, to ensure the safety of themselves, their crew and their vessel. Whether it's future studies to be done, new technologies to be supported, or other mitigation recommendations, RODA strongly supports that USCG addresses the radar interference concern.

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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