



Responsible Offshore Development Alliance

November 10, 2020

Captain Maureen Kallgren and Mr. Jerry Barnes
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

Dear Captain Kallgren and Mr. Barnes:

The Responsible Offshore Development Alliance (RODA) submits the following comments regarding the United States Coast Guard's (USCG) Request for Comment for the Port Access Route Study: Seacoast of New Jersey Including Offshore Approaches to the Delaware Bay, Delaware.¹

RODA is a coalition of fishery-dependent companies, associations, and community members committed to improving the compatibility of new offshore development with their businesses. Members of our coalition operate in federal and state waters of the New England, Mid-Atlantic, and Pacific coasts.

Thank you for holding these public meetings and giving the public an opportunity to learn about, and comment on, this issue. RODA submitted a comment letter on this issue on July 6, 2020 and we reiterate our comments, briefly here. For all PARS, we recommend the use of appropriate fishing data, a range of array layouts of wind energy areas (WEA), the use of Closest Point of Approach (CPA) guidance, and the NYSERDA Transit Summary document be considered. In the event that no transit lanes are included in a WEA layout, we recommend directional transit corridors be considered. This comment letter will focus on the specific questions identified in the Request for Comment notice but we encourage you to refer to our July 6, 2020 comment letter, and comment letters from fishermen and associated businesses, for more information on the needs of the fishing industry to co-exist with offshore wind development. We apologize for any repetitive statements but we will take every opportunity to discuss the safety of all fishing industry members.

¹ 85 Fed. Reg. 64507 (Oct. 13, 2020).



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I. What proposed routing measures would you suggest to preserve shipping safety around and within offshore wind energy areas?

RODA, our members, and the fishing industry at large have repeatedly called for navigation (transit) lanes that would allow for safe transit through the wind energy areas (WEAs). Safety concerns stem from four main issues: gear, fatigue, weather, and economics but current plans are insufficient to mitigate any of those issues. Commercial fishing vessels have unique operational requirements while at sea. When actively fishing, the footprint of a fishing vessel expands, in both length and width, which dramatically reduces the maneuverability of the vessel. Depending on the gear type and size of the vessel, this minimizes the ability of a vessel to actively fish, or transit, in a WEA.

The USCG has stated that there are no safety concerns over the offshore wind (OSW) developer proposed spacing of 1nm between turbines and that they will not implement directional transit lanes at this time. Vessel operators are concerned about transiting through a WEA, especially when returning to port as watch standers may be fatigued. This proposed spacing between turbines is inadequate to ensure safe transit through WEAs. The actual level of traffic that will occur within a WEA is unknown; the level of additional traffic resulting from turbine service vessels operating and any changes in recreational fishing vessel density are currently unknown. Not all vessels have Automatic Identification System (AIS) as a navigation tool; there are segments of commercial vessels that are not fitted with AIS because the vessels are less than 65 ft in length. Taking all these factors into account, the risk of a vessel getting into difficulties while transiting through a WEA remains high. If transit lanes are not incorporated into WEA layouts, directional transit lanes may mitigate some of the safety concerns, however, the USCG has not recommended those to date.

In addition to safety measures, consideration should be given to effort loss resulting from rerouting around a WEA or other impacts to vessel transit time. Fishing regulations can serve to limit fishing effort; this can take the form of limiting days-at-sea (DAS) each year such as in the Atlantic scallop fishery. Vessels must optimize time at sea to maximize revenues, which may result in vessels opting to transit wind energy areas in less than ideal conditions or lose fishing time by using DAS time transiting around the WEA.

The fishing industry cannot stress enough that this is a serious safety issue. RODA has commented on multiple PARS raising this issue, on behalf of the fishing industry. RODA commissioned a review of the MARIPARS by an independent academic expert.² Dr. Sproul identified a number of deficiencies in the MARIPARS. Our members feel so strongly about this issue that RODA formally requested a correction to the MARIPARS under the Information Quality Act. Although USCG denied that request, we will continue to prioritize all possible efforts to help ensure the safety of the fishing industry. If projects are constructed before the completion of this PARS, we

² RODA's response to the draft MARIPARS report (March 16, 2020): https://rodafisheries.org/wp-content/uploads/2020/04/The_Responsible_Offshore_Development_Alliance.pdf



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encourage the USCG to prioritize studies to mitigate issues identified by vessels operating near those projects, e.g. radar interference.

Again, RODA recommends a thorough consideration and incorporation of the New York Bight Transit Lanes Surveys, Workshop, and Outreach Summary.³ The final report contains a map encompassing the area for this PARS, which should provide preliminary information on the fishing industry transit paths (Figure 8 of that document). Please note that vessels may travel far from their home port to their fishing grounds; no area should be considered independently of the region as vessels fishing in Federal waters are not restricted by state boundaries.

The first recommendation from the Atlantic Coast Port Access Route Study, Final Report, Docket Number USCG-2011-0351 is to accomplish the modeling and analysis necessary to evaluate the impact of proposed wind energy areas on navigation safety. The Coast Guard should continue to partner with BOEM to accomplish the modeling and analysis necessary to evaluate the impact of proposed wind energy areas on navigation safety and evaluate the effectiveness of mitigating measures. Although initially envisioned to inform identification of initial wind energy areas, modeling and analysis tools would still provide an invaluable capability to analytically predict changes in vessel traffic patterns and to evaluate impacts across the marine transportation sector. This should include evaluating cascading and changes in distance travelled that would translate to additional costs, increased emissions and time delays/disruptions to supply chain logistics. Modeling and analysis tools must be used to predict changes in vessel traffic patterns and until those tools are used, we cannot accurately predict the routes to preserve shipping safety around and within offshore wind energy areas.

II. What areas within the study area have you traditionally used for anchoring and why?

To analyze anchoring of fishing vessels, RODA recommends the USCG works in consultation with the National Marine Fisheries Service (NMFS) to access and analyze fishing data. The NMFS has alternative datasets to AIS technology that could be used to analyze fishing effort, patterns, and spatial use, and the experts to appropriately interpret the data. These datasets will provide a more comprehensive description of how the fishing industry is operating at sea; publicly available datasets are typically scrubbed for confidentiality, which may not show instances where an individual business is uniquely dependent on an area proposed for development. We strongly discourage reliance on AIS data as not all vessels are equipped with AIS, making interpretations of AIS data difficult because it could be missing entire fleets.

³ NYSDA 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>



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III. If fully developed, how will the offshore wind energy projects in the study area impact your anchoring practices or other waterway uses?

We request the USCG complete a quantified analysis of potential funneling and bottlenecks of mariners and analyze the increase in traffic to ports and wind energy areas from service vessels for construction, operations and maintenance, to understand the full range of safety concerns. The main usage of these WEAs, for fishing vessels, is as fishing grounds. These vessels may be forced out of their traditional fishing grounds if they are no longer able to fish safely within a WEA, likely increasing fishing effort in other areas as the industry tries to achieve optimum yield. Vessels will also likely be forced to transit around the WEAs, increasing traffic in surrounding areas. The economic impact of alternative turbine layouts should be studied to help mitigate the impacts to the fishing industry.

As USCG evaluates conflicts between different ocean users in the study area, the Fifth District should be aware that while some areas may pose greater conflicts with certain navigational uses, others within the lease area will have more significant conflicts with fishing activity (e.g. the northeastern portion of the Atlantic Shores WEA overlaps with more fishing activity while other portions are closer to shipping routes). Our members who actively fish in the area are working with Atlantic Shores to identify ways to reduce spatial conflicts, and we appreciate the USCG helping to maintain flexibility to continue this collaboration.

IV. What other navigational concerns do you have regarding the proposed wind energy projects in the study area?

Again, safety is the primary concern with the study area. Other concerns include traffic within the WEAs (from OSW support and recreational fishing vessels), the lack of directional traffic lanes, and the lack of marine radar studies done to date. Turbine interference with marine radar is known to occur, however, the exact effects on all vessels and the resulting level of safety risk have not been quantified.

V. What alternatives for mitigating anchor damage to underground cables are available, and is it possible for underground cables to coexist with in the anchorages?

Cables are not compatible with certain fishing or anchoring practices; the best mitigation for cables is to minimize the amount of cable used. Our response is not specific to anchorages, but cables have and will continue to be a safety concern to the fishing industry. We encourage the amount of cables used to be minimized and that cable depth be sufficient to ensure they will remain buried in dynamic tidal areas to ensure minimization of impacts to fishing and the benthic environment. Cables must also be frequently monitored to ensure that mariners are immediately notified in the event there is an exposure.



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VI. Which fisheries do you primarily target that cause you to transit or fish in the study area?

Again, thank you for organizing these webinars to inform the public. We circulated the meeting notice to members who operate within the study area, however, we recognize that industry's ability to participate is dependent on weather and time. In order to maximize feedback from the fishing industry, reaching out directly to individuals or their organizations would help facilitate engagement, particularly when they need to fish because the weather is good. If that is not possible, RODA can organize a call(s) between Coast Guard representatives and fishing industry members to help gather this information.

VII. While fishing offshore, how much time do you spend underway, making way versus how much time do you spend underway, not making way as a percentage of the overall time frame (for example, I spend 10% of the trip transiting to and from port and 70% engaged in fishing, and 20% setting or hauling back gear)?

This varies with fishery, home port, and current fishing regulations. Please see the response to question VI. Complete modeling and analysis are necessary to evaluate the impact of proposed wind energy areas on navigation safety as recommended by the Atlantic Coast Port Access Route Study, Final Report, Docket Number USCG-2011-0351. Responses to this question are not likely to provide comprehensive data necessary for USCG to make an informed decision.

VIII. What risk control measures would you propose during the construction and operations of the wind energy areas?

At all times there should be safety corridors for fishing vessels for reasons described above.

IX. Where is the predominant recreational boating traffic within the study area? Is there a time of year that traffic is more prevalent?

Again, we encourage the USCG to work closely with NMFS and the regional fishery management councils to access the highest quality fishing data.

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Thank you for your consideration of these comments. RODA and its members look forward to working with USCG to improve safety around and within OSW projects. Please do not hesitate to reach out if we can provide additional information or clarification.

Sincerely,



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A handwritten signature in blue ink, appearing to read 'Annie Hawkins'.

Annie Hawkins, Executive Director

A handwritten signature in blue ink, appearing to read 'Fiona Hogan'.

Fiona Hogan, Research Director

A handwritten signature in blue ink, appearing to read 'Lane Johnston'.

Lane Johnston, Programs Manager

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