



New England Fishery Management Council

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Program Manager
Office of Renewable Energy
Bureau of Ocean Energy Management
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To whom it may concern:

Please accept these comments from the New England Fishery Management Council (Council) regarding the October 19, 2018 Federal Register (FR) Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for Deepwater Wind South Fork LLC's proposed wind energy facility offshore Rhode Island and Massachusetts.

The Council has sole or primary management jurisdiction over 28 marine fishery species^[1], and develops management plans for each group of species that also identify and conserve their essential fish habitats including habitat areas of particular concern and locations where sensitive deep-sea corals occur. Commercial and recreational fisheries for the species managed by the Council are important sources of economic benefits along the entire Atlantic coast. They provide significant benefits to the nation, including contributions to our nation's food security. As the world's population continues to increase these renewable food resources and the employment opportunities they provide will grow in importance. If future benefits of these activities are to be realized, offshore energy development must minimize risks to marine species and existing human uses.

As an overarching comment, the Council again requests that BOEM provide additional time for stakeholders to develop comments on these construction and operations plans (COPs). When the Vineyard Wind COP was published, we suggested a minimum 45-day comment period to review the COP and provide suggestions for development of the EIS. Reasonable comment periods are important because EIS development for offshore wind projects is fast tracked and COPs are substantial documents with many elements to review and react to. In this case, we will not have the ability to adequately review the analyses in the Vineyard Wind DEIS before the scoping period for the South Fork EIS closes. It is essential for BOEM to be thorough in its NEPA process for these projects, taking the time needed to gather feedback from stakeholders and ensuring that project effects are considered from all angles.

We support the work being done by NMFS Greater Atlantic Region to articulate suggestions for EIS development and offer the following suggestions that echo their recommendations.

^[1] Atlantic cod, haddock, pollock, white hake, Acadian redfish, Atlantic wolffish, ocean pout, Atlantic halibut, winter flounder, American plaice, witch flounder, windowpane flounder, yellowtail flounder, monkfish, winter skate, little skate, smooth skate, thorny skate, barndoor skate, rosette skate, clearnose skate, silver hake, red hake, offshore hake, Atlantic herring, Atlantic sea scallop, Atlantic salmon, Atlantic deep-sea red crab

- Establishing a clear purpose and need and specifying an appropriate range of alternatives are central to developing a high quality EIS that will inform decision makers and the public. Specifically, we ask that BOEM consider a robust range of alternatives related to turbine spacing and arrangement. Alternative cable routes also should be formally considered. Regarding both turbine layout and cable routing, we ask that BOEM consider alignment between adjacent wind energy projects.
- Commercial and recreational fisheries should be explicitly considered in both the affected environment and environmental consequences sections of the EIS. The EIS must examine fisheries data over a time period sufficient to ensure identification of potentially affected fishery resources and fisheries because there can be significant interannual variability in resources and the fisheries that target them due to both environmental and regulatory factors. The EIS should explore issues around displacement of fishing within the area as well as whether transiting might be impacted by the turbines. A clear assessment of the costs and benefits associated with various layouts is critically important, as the set-up of the array is fundamental to the ability of fishing activities to continue within the wind farm. The COP appears to assume that fishing operations will be minimally affected by either a 0.8 nm or 1.0 nm turbine spacing, and our interaction with the fishing industry suggests that this view is not shared by many fishermen. The impacts analysis should consider the effects on fisheries if the suggested layouts do have negative impacts on vessel access.
- This project overlaps Cox Ledge, which has substantial areas of hard bottom habitat. The EIS should carefully consider the effects of turbine or cable installation on these habitats.
- The EIS should also consider mitigation approaches to minimize and compensate for both environmental and economic impacts. The developer should provide a transparent process for determining when compensation will be paid and should provide formal financial assurance of funding. Funds must be set aside for decommissioning as well.
- Given the number of wind energy projects being proposed along the Atlantic coast, the cumulative effects analysis must be comprehensive. The analysis should consider other existing, proposed or planned energy infrastructure projects. We encourage a broad view of those projects that are reasonably foreseeable, keeping in mind that many fisheries operate on a regional scale and could be affected by projects offshore of Massachusetts and Rhode Island, as well as New York and New Jersey.

Thank you for considering our comments. We will continue to work through NMFS to provide additional feedback on this project. Please contact Michelle Bachman (mbachman@nefmc.org, 978-465-0492) with any questions.

Sincerely,



Thomas A. Nies
Executive Director

cc: Chris Moore, Executive Director, Mid-Atlantic Fishery Management Council
Robert Beal, Executive Director, Atlantic States Marine Fisheries Commission
Michael Pentony, Regional Administrator, National Marine Fisheries Service, GARFO