



New England Fishery Management Council

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Eric Reid, *Chair* | Thomas A. Nies, *Executive Director*

October 3, 2022

Mr. Zachary Jylkka, Bureau of Ocean Energy Management (BOEM)
Office of Renewable Energy Programs
45600 Woodland Road (VAM-OREP)
Sterling, Virginia 20166

Re: Request for Competitive Interest (RFCI) for Research Lease in the Gulf of Maine

Dear Mr. Jylkka,

Please accept these comments from the New England Fishery Management Council (Council) regarding the Request for Competitive Interest related to Maine's application for a research lease on the outer continental shelf in the Gulf of Maine. As indicated in the Federal Register notice, Maine's application covers an area of approximately 9,700 acres located more than 20 nautical miles (nm) offshore and would consist of up to 12 floating offshore wind turbines capable of generating up to 144 megawatts (MW) of renewable energy. The RFCI area is larger, encompassing 12 Outer Continental Shelf blocks covering approximately 68,320 acres, to accommodate potential siting challenges associated with the Traffic Separation Scheme (TSS) offshore Portland, ME as well as other marine uses that might conflict, but BOEM is only considering issuance of a single lease within the RFCI area.

The Council has primary management jurisdiction over 28 marine fishery species in federal waters and is composed of members from Maine to Connecticut. In addition to managing these fisheries, the Council has enacted measures to identify and conserve essential fish habitats (EFH), protect deep sea corals, and sustainably manage forage fisheries. The Council supports policies for U.S. wind energy development and operations that will sustain the health of marine ecosystems and fisheries resources. While the Council recognizes the importance of domestic energy development to U.S. economic security, we note that the marine fisheries throughout New England are profoundly important to the social and economic well-being of communities in the Northeast U.S. and provide numerous benefits to the nation, including domestic food security.

General comments

This research lease represents an important opportunity for us to learn, as a region, about the effects of floating wind development in the Gulf of Maine. The RFCI notice states: "In pursuing the development of the Research Array, the state hopes to position itself as a hub for floating offshore wind development in the region, while advancing a set of informed best practices and standards for commercial-scale floating offshore wind projects in the Gulf of Maine for use in planning, permitting, and constructing commercial-scale projects in a fashion that optimizes coexistence with traditional marine users and the ecosystem." We agree with Maine that the

research lease presents a key opportunity for learning prior to commercial offshore development. Unfortunately, research leasing/development is proceeding at only a slightly faster pace than commercial wind energy leasing and development in the region. This effectively concurrent timing means it will be difficult if not impossible to adopt lessons learned from the research lease to commercial leasing.

As stated in the RFCI notice, BOEM is requesting that interested developers submit a conceptual research framework, since “BOEM believes that information generated from such research can be used to facilitate responsible and expeditious commercial offshore wind energy development in the Gulf of Maine”. This statement seems at odds with the timing of commercial leasing in the region. While BOEM has argued many times that leasing is merely a right to evaluate a site and submit a construction and operations plan for agency consideration, the initial siting of lease areas is an important, arguably the most important, means for minimizing impacts on the marine environment and other users.

BOEM is requesting from the public and other interested or affected parties specific and detailed comments regarding a range of issues. Below we offer comments on five of the eight topics.

Research priorities and the associated justifications needed to advance floating offshore wind in the Gulf of Maine and in other areas of the OCS

The Council appreciates the development of [Maine Offshore Wind Research Consortium](#) by early 2023 supported by Carbon Trust with subcontractors from the National Offshore Wind Research and Development Consortium and the National Renewable Energy Labs, and an external consultant with expertise in Maine ocean uses. We assume that the consortium’s work will represent an extension of the work undertaken by the Gulf of Maine Offshore Wind Roadmap and its four working groups. It will be important for the consortium to coordinate with and clarify its relationship to other organizations, such as the Responsible Offshore Science Alliance (ROSA). Engagement in offshore wind development is straining resources as natural resource management agencies, and it is difficult to participate effectively in multiple similar initiatives.

The development of research priorities is as important as the follow through and execution of those priorities to ensure this is not a paper exercise. Measurable progress towards achieving these objectives should be documented in a transparent manner and communicated to all necessary stakeholders.

Geological and geophysical conditions (including bottom and shallow hazards) in the RFCI Area

We recommend consulting with NOAA Fisheries, the U.S. Coast Guard, and other mariners to identify bottom and shallow hazards when considering where to site the research lease.

The Council’s policy recommends avoiding offshore wind development in areas of complex and sensitive benthic habitats to minimize damage to these areas associated with anchoring and sedimentation. Maine considered available habitat data when selecting the research lease site and tried to avoid these habitat types. However, to our knowledge, this location has limited data on seabed type. Maine’s [siting and stakeholder engagement summary](#) indicates that “utilizing

available data and/or scientific expertise where data is not available, the Narrowed Area of Interest is thought to be mud/gravel bottom, with a few known outcroppings.” It will be important to evaluate seabed conditions during site assessment to confirm that this is accurate and allow flexibility in turbine and cable siting as the project is further developed to avoid outcroppings. We suggest following NOAA Fisheries’ Habitat Mapping Recommendations during site assessment.

Other uses of the RFCI Area, including commercial vessel usage, recreation, and commercial and recreational fisheries

The RFCI Area is an important region for highly migratory species including bluefin tuna and swordfish. We recommend consulting with commercial and recreational fishermen targeting these species to better understand opportunities for micrositing within the area to minimize impacts to these fisheries. We also recommend consulting with NOAA Fisheries to ensure that impacts to other commercial and recreational fisheries are accounted for when deciding which part of the RFCI area to lease for the research array.

Impacts from potential renewable energy development on future uses of the area

Fishing in the Gulf of Maine continues to evolve under climate change and conditions now may not be predictive of future effort. Climate change is expected to cause major changes in fish distributions and fisheries, with some fish moving into deeper waters, which will subsequently change where fishermen catch those and other species. It is possible that vessels will move into new areas to harvest the fish in which they have quota as compared to their current fishing grounds. They may also change their homeports or where they land the fish.

Offshore aquaculture is also an emerging use that will compete with renewable energy development, fisheries, shipping, and other activities for space. While currently most aquaculture facilities are sited in coastal waters and may create nearshore navigational hazards, there is also increased interest in developing offshore aquaculture facilities in the Gulf of Maine. It is difficult to predict the locations and size of these facilities, but it is clear they may lead to an increased number of anchored structures that will need to be considered. NOAA Fisheries is identifying Aquaculture Opportunity Areas (AOAs) to consider how and where to develop offshore aquaculture. AOAs have not yet been identified for the Northeast region, though it could be possible in the future.

Other relevant environmental and socioeconomic information

Protected resources will likely be negatively impacted by offshore floating wind development. The impacts of cabling from floating turbines on the North Atlantic right whale is of particular concern. The actual anchoring cables are thick, such that risks of direct entanglement may be low, though additional research may be warranted. As we understand it, the main concern is secondary entanglement, in which fishing gear or other marine debris becomes caught on the cable and then whales become entangled within that gear. We recommend BOEM consider this type of impact and ways to mitigate it as part of informing offshore wind development in the Gulf of Maine.

Conclusion

We appreciate the opportunity to provide comments on the RFCI. We look forward to working with BOEM to ensure that any wind development in our region minimizes impacts on the marine environment and can be developed in a manner that ensures coexistence with our fisheries.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Thomas A. Nies". The signature is written in a cursive style with a large initial 'T'.

Thomas A. Nies
Executive Director