



New England Fishery Management Council

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

February 1, 2023

LTJG Thomas Davis, Chief
Waterways Management Division
First Coast Guard District

Dear Lieutenant Davis:

Please accept these comments from the New England Fishery Management Council on the draft report summarizing recommendations of the Port Access Route Study: Approaches to Maine, New Hampshire, and Massachusetts (MNMPARS).

The New England Fishery Management Council (Council) has primary management jurisdiction for 28 marine fishery species under nine FMPs in federal waters and is composed of members from Connecticut to Maine. In addition to managing these fisheries, the Council has developed measures to identify and conserve essential fish habitats, protect deep sea corals, and manage forage fisheries sustainably. A primary concern of ours is safe and efficient vessel operations given the potential for future offshore wind development in the Gulf of Maine. 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, it recognizes that the marine fisheries in the Gulf of Maine, the New Hampshire Seacoast, and the Massachusetts Bay are profoundly important to the social and economic well-being of coastal communities in the Northeast US and provide numerous benefits to the nation, including domestic food security.

Coordination with BOEM leasing process:

The Council continues to strongly support the Coast Guard undertaking the MNMPARS. However, we remain concerned about the integration of the MNMPARS and BOEM's [Gulf of Maine Task Force](#) processes. The draft MNMPARS states that the Coast Guard is a cooperating agency to BOEM and has participated in GOM offshore wind-related meetings; the exact plan is still unclear regarding the extent to which the MNMPARS will align with BOEM's leasing process. The Coast Guard appears to be raising similar issues to BOEM as the Council (certain exclusion areas, consistent and grid pattern layouts and cabling, etc.) but given the timing, we are concerned that all of the measures to mitigate navigation and other risks identified in the draft report might not be adopted by BOEM.

Comments on the Possible Scope of Recommendations:

We are very pleased that all comments received during the Notice of Study phase of the MNMPARS are summarized in the draft report with responses from the Coast Guard. This is very helpful information. We commented twice on the Notice of Study¹ and thank the Coast Guard for addressing a number of our concerns directly.

The Council encouraged the Coast Guard to evaluate commercial and recreational fisheries activities in the MNMPARS. We were pleased to see that VMS, AIS, and additional data sources were considered in the draft report and that additional outreach to the fishing industry occurred.

Offshore wind will change where fishermen are able to fish and where NOAA Fisheries' surveys are able to be conducted. In our initial response to the Notice of Study, we recommended that the Coast Guard recognize research surveys in service of fisheries management as a high priority use and prioritize 'safe transit' requirements for the RV Bigelow and other research vessels. The Draft Report indicates that if the Coast Guard takes action to implement any routing measures that impact fishery research activities that those impacts would be assessed during the regulatory process that considers establishment of safety fairways, as part of the NEPA review. In our view, this is inadequate. The final PARS should explicitly recommend that siting and cabling for WEAs consider the need for safe access by survey vessels and other research activities.

The Council encouraged the Coast Guard to use the best available scientific methods for projecting potential future vessel traffic as wind farms become operational. In the draft report, we appreciated recognition that larger vessels, a higher traffic density, and displacement of some traditional transit routes are likely to occur, in part because of offshore energy infrastructure and also due to climate change and dynamic fisheries management. We are not clear how any proposed routing measures will change as a result of this, though, and whether the Coast Guard would consider updates to routing measures if new information becomes available. As stated in our Notice of Study comment letter, recent and historical transit and fishing activity are not necessarily representative of future conditions and it will be important to project or account for potential changes with offshore wind development. This is part of the reason the Council is concerned that MNMPARS is likely to be finalized prior to any establishment of Wind Energy Areas (i.e., the routing measures will likely need to be adjusted once areas for offshore wind development are identified).

To ensure the safety of future fishing operations, in the Notice of Study the Council encouraged the Coast Guard to engage in the following activities. We included follow-up responses based upon additional information and analyses included in the draft MNMPARS report:

- To add search and rescue as a category of impacts explicitly considered in the PARS
 - o Search and rescue is now included as a sub-category (within maritime incidents) of the MNMPARS study, which includes data on total number of incidents and incident types over time. We appreciate this addition.

¹ https://d23h0vhsm26o6d.cloudfront.net/220428_NEFMC_to_USCG_re_MNMPARS.pdf;
https://d23h0vhsm26o6d.cloudfront.net/220826_NEFMC_to_USCG_re_MNMPARS.pdf

- To specifically address whether cables associated with new wind farms would be allowed within safety fairways.
 - The draft report provided recommendations that WEAs be identified to have consistent layouts and cable routes and emphasized that the Coast Guard is a cooperating agency to BOEM. The Council remains unclear whether any offshore export cables would be permitted within the new safety fairways.
- To provide advice to developers and BOEM on ways that layout of turbines and electrical service platforms could facilitate transit *within* wind energy areas.
 - The draft report includes a recommendation to organize each wind farm in straight rows and columns, creating a grid pattern of two lines of orientation with common turbine spacing and layout for all projects. We agree with these recommendations. Furthermore, we recommend, and suggest that the final PARS recommend that adjacent wind farms should have the same orientation.
- To identify potential secondary effects of concentrating activity within safety fairways or other vessel routing measures, for example effects on managed or protected species, or essential fish habitats.
 - The draft study notes that concentrating activity would benefit protected and managed fish species (i.e., via reduction in noise outside fairways) by not adding 2nm buffers to the fairway width on the western end of Stellwagen.
- To consider the effects of temporary restrictions on navigation designed to minimize risks to the North Atlantic right whale; for example, merchant vessels may change navigational patterns to avoid speed restricted zones.
 - We appreciate that the Coast Guard acknowledged that there are new regulatory measures being proposed to protect habitat and protected species (namely Atlantic sturgeon and the North Atlantic Right Whale) and recognized that warming ocean temperatures and regulatory changes could both result in changes in traffic patterns and interaction risk. While the draft report states that these types of impacts will be assessed as part of the NEPA process, the Council recommends working with NOAA Fisheries to address protected resource impacts of the proposed routing measures in the final PARS.
 - The draft report also includes speed restrictions to protect right whales as a policy that would apply to the MNMPARS study area. Does ‘policy’ indicate that this would be a regulatory requirement? If so, how would this be enforced? We recommend working with experts who are part of the Atlantic Large Whale Take Reduction Team on measures to mitigate impacts to the right whale.
- To consider the effects of severe winter weather, including icing, on the ability of vessels to navigate safely. These conditions occur less often in the areas previously studied but are encountered frequently in the Gulf of Maine.
 - The Council appreciates that the Coast Guard considered additional sources of data and information (National Data Buoy Center, Northeast Regional Association of Coastal Ocean Observing Systems, Univ. of New Hampshire, etc.) and acknowledged that superstructure icing in the GOM exists from November through April, hindering vessel maneuverability.
- To further research how offshore wind can disrupt vessel radar systems and how these impacts can be mitigated.

- The draft report notes that this is outside the scope of MNMPARS but agrees with the Council's comment and recommends the mitigation methods described within a 2022 [National Academies Report](#). The Council appreciates the recognition that measures are needed to mitigate impacts to marine vessel radar from the presence of wind turbines. We encourage the Coast Guard to use its role as a cooperating agency to BOEM to implement these mitigation measures for GOM offshore wind projects.

Conclusion

Again, we strongly support the Coast Guard undertaking the MNMPARS and we appreciate the opportunity to provide comments to ensure the study meets the needs of fisheries resources, habitats, stakeholders, and the scientific surveys necessary for effective fishery management decision-making. The Council looks forward to working with the Coast Guard to ensure that the MNMPARS meets its objectives so that offshore wind installations and other changes in patterns of vessel traffic offshore do not preclude the ability of the Council and NMFS to effectively manage the region's fishery resources.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Thomas A. Nies". The signature is fluid and cursive, with the first name "Thomas" being more prominent.

Thomas Nies
Executive Director