



NY Bight Transit Lanes Workshop Summary

Danfords Hotel & Marina, Port Jefferson NY | 9am to 5pm | March 27, 2019

Workshop Purpose and Structure

NYSERDA, NYSDEC, and the Responsible Offshore Development Alliance (RODA) have been gathering feedback related to fishing transit throughout the New York Bight in relation to designated New York Bight Wind Energy Areas (WEAs). Information gathered, which included a review of existing data and a fishermen survey, was reviewed at a transit lanes workshop held on March 27, 2018 in Port Jefferson, New York.

The goals of the workshop were to present information collected on New York Bight transit routes to participants, to gather stakeholder feedback, and to develop a workshop summary that provides a clearer understanding of where transit lanes would provide the greatest value prior to the Bureau of Ocean Energy Management's (BOEM) delineation of new offshore wind energy lease areas in the New York Bight. Just over 90 stakeholders attended the meeting, including commercial fishermen active in the New York Bight, state agency representatives from NYS and neighboring states, federal agency representatives, nonprofit organizations, universities, and several consulting firms.

The information below summarizes key points from discussions help during the one-day workshop, which included the following subjects. The workshop agenda is included in an appendix further below.

- **Background Presentations**: The workshop included presentations on the roles of the New York State, BOEM, and the U.S. Coast Guard in designating transit corridors, as well as a presentation of aggregated background data gathered from various sources on current transit lanes. That data included VMS data analysis by NMFS, AIS data, and survey data on transit completed by fishermen as part of the preparation for this workshop.
- **Key Interests:** Workshop participants discussed in small groups the key interests that they were trying to meet in establishing transit lanes through WEAs.
- **Discussion Next Steps:** A full-group discussion followed the small group session; this section includes a compilation of these discussion points and next steps to advance this work.
- **Transit Lane Recommendations:** Working in small groups, participants began to draw potential transit routes on maps that included data collected from fishermen surveys collected by RODA.

This summary is not intended to be comprehensive record of all comments made, but rather, a summary of key points without attribution by name or organization. All errors and omissions are the sole responsibility of the meeting facilitators, Cadmus and the Consensus Building Institute (C&C). A full list of meeting attendees is available at the end of this document.

Workshop Background and Data Gathering

Ahead of the workshop, RODA distributed surveys to commercial fishermen to understand where they transit in the New York Bight. Nineteen surveys representing approximately 110 fishermen were collected and the lanes were plotted together on a map for small groups to use to help inform their discussions. A cropped image of the





map created is shown in Figure 1 below. An additional 24 surveys were collected from fishermen after the workshop and a version of the map with that data is included in the appendix to this summary.



Figure 1: Commercial Fishermen Transit Lanes Survey Data

In the morning of the workshop, participants heard presentations from BOEM and the Coast Guard providing an overview of the role of federal agencies in determining transit through WEAS and from the National Marine Fisheries Service (NMFS) and Ecology & Environment (E&E) about what AIS, VMS, and survey data show about transit in the New York Bight. Attendees then broke into seven small groups to review and consider the data and develop some potential initial options for transit lanes. Each group included a facilitator and had access to an online mapping tool that aggregated findings from difference data sources. Small group report-outs and images of initial maps are described below. Slides from presentations given at the workshop are available on the F-TWG website at: https://nyfisheriestwg.ene.com/Resources/TransitWorkshop.





Key Interests

Nine main themes arose from small breakout groups and full group discussions around stakeholders' interests in providing for transit through or around wind energy areas and future lease sites. These are summarized below and not listed in any prioritized order.

- Transit lanes should minimize the economic impacts to the fishing industry
 - It is a large economic burden for fishermen to transit around wind arrays.
 - An increased cost of transit negatively impacts the market value of fish.
 - Need the most expedient, quickest routes possible through or around WEAs.
 - Need to know where fishing is happening for transit lanes to make sense; this information is needed on maps used for recommendations and decision-making.
 - Need to understand the intersection with policy and management (e.g. fishing quotas); regulations, tools, and polices will need to be re-examined in light of offshore wind development.
 - Fishermen must spend a longer time away from home if transiting around wind farms; there is a negative social impact to offshore wind from this.
 - Concern about radar scatter: this is another potential safety impact of offshore wind development on fishermen.

• Safety for vessels should be a top priority

- There will be lane crowding and bottlenecks if transit lanes are not wide enough or there are too few of them.
- Transit lanes need to anticipate potential for severe weather and be sized appropriately.
- Need to determine how to handle boats breaking down in lanes.
- \circ $\;$ Lanes should be designed to ensure search and rescue can happen.
- Need to determine if it is safe for fishing to be allowed in the lanes (mobile and fixed gear) and how it will be managed.

• Transit lanes need to be established early and be enforceable

- Important to get lanes established early-on in lease process (ideally before the leases are granted so the lessees know the impacts to their sites).
- One established, lanes should be enforceable and ideally not changed
- Strong interest from stakeholders in Coast Guard leadership on these items. Questions asked included:
 - Can the Coast Guard use its fairways jurisdiction?
 - Would the Coast Guard be willing to do a study akin to what is happening in Southeast New England¹?
- Transit lanes should ensure economic opportunity for port communities
 - o Offshore wind means infrastructure investments for communities and states.
 - There could be a big and/or disproportionate impact on ports depending on which lanes are chosen.

¹ Coast Guard. 2019. Port Access Route Study: <u>https://www.federalregister.gov/documents/2019/03/26/2019-05730/port-access-route-study-the-areas-offshore-of-massachusetts-and-rhode-island</u>





- The process for determining lanes should be broadly inclusive of the commercial fishing industry
 - Representation of all gear types and ports is needed.
 - For-hire boats and recreational fishermen should be in the room too.
- Transit lanes should consider the economic impacts on offshore wind developers
 - o Offshore wind developers need certainty about outcomes.
 - One should avoid stranding assets with navigation lanes that cut off portions of a lease area.
 - Co-existence with commercial fishing is the goal of offshore wind developers.
- Decisions should be data-informed and include risk analysis
 - Need data from smaller vessels; additional surveys are needed to capture this.
- Meet the energy needs of the state
 - Transit lanes should ensure that the state's energy goals and needs can be met, that is, that they don't preclude the technical and economic value of a lease area.
- Lanes should minimize wildlife impacts
 - Offshore wind transit lanes could have impact on fish, birds, and whales.
 - Stakeholders also are concerned about dead zones, invasive species, seafloor impacts, and cabling.
- Lanes should minimize fishing conflicts
 - Clarity needs to be provided on if and what kind of fishing would be allowed in the transit lanes themselves.
 - Offshore wind will create gear conflicts when fishermen can't fish in the arrays or lanes and move elsewhere, in some cases, "on top of each other" due to displacement.

Full Group Discussion and Next Steps

Following report-outs from the breakout groups which are summarized further below, a full group discussion followed. Key points discussed have been organized below based on which agency or stakeholder group they relate to.

Coast Guard Discussion and Takeaways

- There is an opportunity to comment on the <u>Atlantic Coast Port Access Route Study (ACPAR) supplement</u> on port access route studies.
 - Initial discussions in the First district identified one PARS in NY Bight with a summer kick off in 2020 and would potentially conclude in Fall 2021, but that schedule is tentative at this stage.
 - Public comments can be received up until May 1, 2021 and at three public meetings.
 - This study was announced in the Federal Register on March 15 and each Coast Guard District has been asked to look at ports to prioritize for additional studies.
- There were multiple requests and strong interest for the Coast Guard to pursue a transit lane study for the New York Bight similar to the SE New England Study the Coast Guard is pursuing.
 - Commenting on the ACPAR study is one method for requesting a Coast Guard study in the NY Bight (see link above).
- Several stakeholders shared input with the Coast Guard for methods in conducting their studies:





- In terms of vessel width, a stakeholder recommended including the outriggers of vessels, not just measuring from the beam. She also noted the need to account for tides and wind.
- Another stakeholder highlighted that fishing boats scatter from transit lines on maps and many do not have AIS; this needs to be accounted for in studies.
- A stakeholder also emphasized that European studies may not be a good reference as wind technology and scale has changed and is larger now.

BOEM Discussion and Takeaways

- BOEM is open to transit lane recommendations: The earlier in the lease sale process, the better, but there will be more opportunities further down the line.
- There was a request from a stakeholder for BOEM to delay lease sales until a transit lanes study is complete.
 - BOEM noted that this and other comments should be submitted via the public comment process for the proposed sale and environmental lease assessment process anticipated to take place in summer 2019.

Data Needs Discussion and Takeaways

There were multiple suggestions of additional information to add to the transit lane maps developed for this workshop.

- The Fisheries Survival Fund shared that scallop and surfclam data is represented by NROC and VMS data, though noted this could change over time, with fishing areas for some species potentially overlapping with transit lanes for other species.
 - RODA, NYSERDA, and NYSDEC received a letter on behalf of the majority of Atlantic-based surf clam and ocean quahog industry harvesters with the view that the USCG is the only entity equipped to adequately determine transit and safety lanes through WEAs.
- Add the following reference lines:
 - Latitude and longitude lines
 - o Loran
 - 10 fathom increment (some in 5) / fathom curves
- Location to add: Nantucket shoal to 5 fathom bank NOAA Navigational Chart 12300
- Maps should be nautical chart size; bigger maps are needed.
- Tug and tow lanes Coast Guard is considering should be added.
- Where fishing grounds are should be on the map:
 - Many stakeholders felt is important to avoid putting transit lanes where fishing grounds are.
 - Maps would benefit from closed area polygons for where the fisheries are:
 - This includes areas that are semi-fixed, such as for scallops.
 - Include where they are in the Bight and in New England waters.
 - Need to differentiate between fishing and transit lanes.
- The maps should also show places where you can't fish:
 - This could include closed areas, ship wrecks, known hangs, etc.
- All ports need to be represented on the map:
 - Party and charter boats: their ports are not on the map Fire Island, Sheep's Head Bay, etc.
- Party/charter boats: Only have logbook data from them and do many locations in one trip.
- Consider fishermen mapping out possibilities with a plotter:
 - Put a flash drive in the hard drive of their boat so they can try it PC Wind Plot.





- Use OLEX sea floor data.
- \circ This will help fishermen to understand what is taking place and to help find solutions.
- Fishermen's data has value and they need to be compensated.
 - <u>NYSERDA's research solicitation</u> could be an opportunity to collect this data.
- Key element not captured are multi-vector trips (e.g. port to port, port to fishing ground, fishing ground to another port, etc.).
- Need to account for all the data and lines already collected and represented via the survey process.

Recommendations and Feedback on Outreach to Fishermen for State Agencies and Parties

- Major gear groups from major fisheries in every state need to participate in transit lane discussions.
- Outreach needs to be more targeted and give people proposed transit lanes to react to.
 - Most fishermen can't do an all-day meeting in Port Jefferson.
- It is important to show fishermen the maps in the languages they speak (e.g. nautical chart size with latitude and longitude lines, etc.).
- Need to have more targeted outreach to other ports, party boats, and charter boats.
 - NY State agencies could do this and the Coast Guard from a safety perspective.
- Place-specific outreach input can include:
 - Visiting individual ports and cover all the states: MA, RI, CT, NY, NJ, VA, and NC.
 - Include species-specific ports such as Cape May for scallops and clams.
 - Outreach should include processing facilities.
 - Meetings and outreach at towns that serve fishermen:
 - RI Narragansett (rather than Providence)
 - MA New Bedford (rather than Boston)
 - NY go to the ports
 - \circ $\,$ Can work with NMFS and start with the top three ports in each state.
 - Ports should be considered based on pounds of fish and sales the ports are different depending on which you consider.

Immediate Next Steps

- RODA is working with E&E to make survey data publicly available while protecting confidentiality. Steps will also be taken to update the maps per the feedback received at the workshop.
- Next steps will also be discussed with the New York State Offshore Wind Technical Working Group (F-TWG) at its July 2019 meeting. This may include using data and feedback from this workshop to develop a limited number of potential transit lanes to stimulate focused discussion and develop and implement an outreach plan.
- To the extent possible, engage the US Coast Guard and learn from their study work on transit lanes in particular in southern New England and in general on transit in the Mid-Atlantic.
- NYSERDA's research solicitation is also an opportunity to leverage fishermen's data and to compensate them for it: <u>PON 4082 Solicitation Detail</u>. Proposals were due by May 14, 2019 at 3pm ET.
- There is an opportunity to comment on the <u>Atlantic Coast Port Access Route Study (ACPAR) supplement</u> on port access route studies from now until May 1, 2021.





Small Group Discussions on Transit Lanes

The following section details by breakout group the issues and potential transit lanes they explored.

Group 1 Report-out

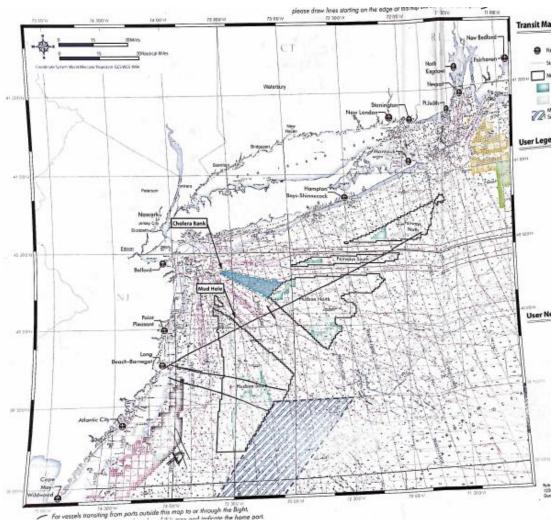


Figure 2: Group 1 Transit Lane Map

- The group shared that they drew lines specific to several fisheries their group knew about coming out of Long Beach-Barnegat, but their discussion mainly focused on how to improve the maps and broader questions about transit lanes.
- The group discussed the need to clarify what activities will be allowed in transit lanes (e.g. can people fish in transit lanes? Can they anchor up in a transit lane?).
- They also shared that the maps would benefit from showing closed area polygons for where scallop fisheries are, as well as other fixed fisheries areas, within the New York Bight and in New England Waters.





- The group also had a lot of discussion focused on the potential impacts on fishermen from offshore wind development.
- They noted that the WEAs are all at an intermediate distance from shore, which makes it hard to plan our routes.
- An additional challenge is that fishermen's gear is very variable, especially by fishery, season, area, and year-year etc.





Group 2 Report-out:

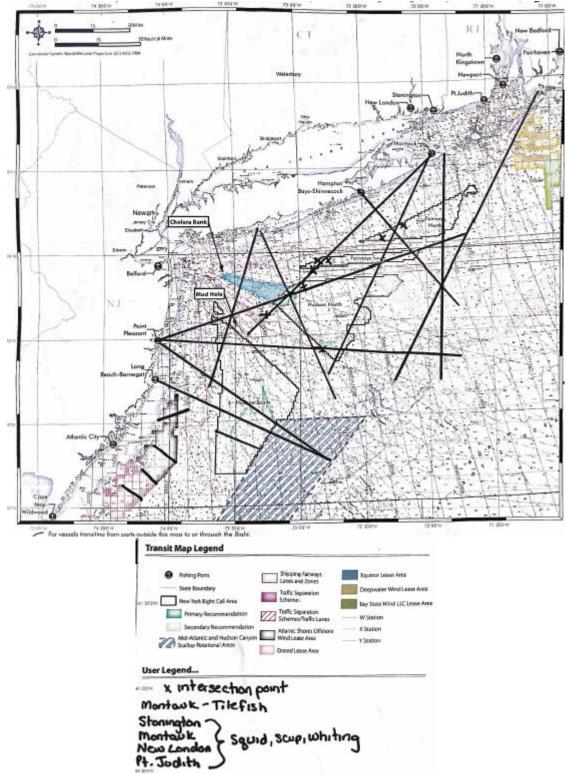


Figure 3: Group 2 Transit Lane Map and Legend





- The group included several fishermen who fish from Montauk and New Bedford, a long liner and a trawl fisher, who fish for tilefish, scup, whiting, and squid; they provided input on lanes from those ports.
- The X's on the map are for spots in northern areas of the New York Bight where traffic is anticipated to intersect and may lead to some bottlenecks.
- The group also discussed issues with transit lanes including:
 - Who will enforce the transit lanes? Can they be enforced?
 - Will people use them?
 - What if people leave fixed gear in them or fish in them?
 - How should larger boats coming out of the New York Bight be handled?
 - How will lights on turbines impact transit, especially at night or in storms?
 - What will happen when there are bottlenecks during poor weather?
 - Will turbines distort boats' radar? Can buffers be established?
- The group noted that it is very difficult to draw these lanes as many ports were not represented at the workshop.
- They also expressed concern that the ports that party boats use was not represented on the map: Fire Island, Sheep's Head Bay, etc.





Group 3 Report-out:

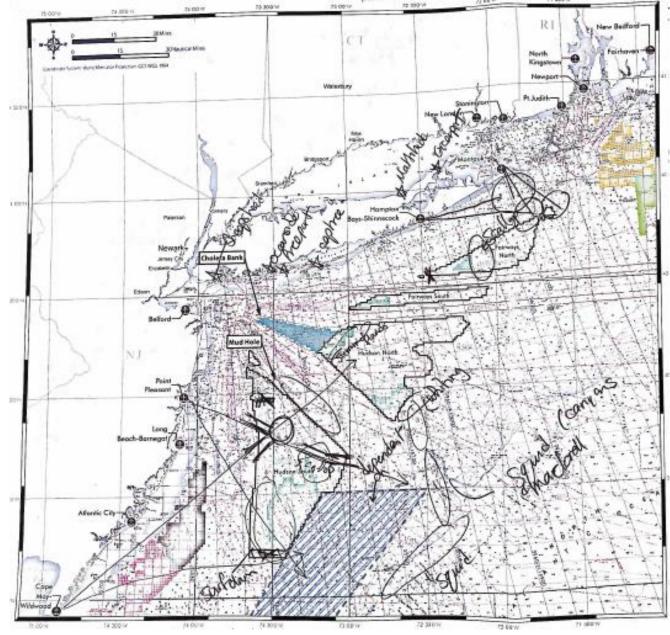


Figure 4: Group 3 Transit Lane Map

- The group observed some cohesion with the RODA survey data and VMS data.
- They drew transit lanes from Cape May and Wildwood, Point Pleasant, and Shinnecock.
- The group also added circles to the map to note some squid, whiting, mackerel, fluke, surf clam, and scallop fishing areas are.
- A key element the group couldn't capture with lanes were multi-species trips. For example, a fishermen who is fishing for dogfish and then monkfish does not have a linear transit line. The group shared they



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are not sure how to capture multi-species trips without looking at individual transits and felt that not having this data could influence the validity of lanes.

- The group also felt that data from party and charter boats needed to be collected and represented:
 - They noted that there is only logbook data for these boats and that many visit multiple locations in one trip.
 - Party Boats also will go up to 100 miles offshore, as far as Hudson County from Jamaica Bay, especially for tuna fishing.
 - Other traffic was noted from NYC, Captree, Jones Inlet, Jamaica Bay, and Sheep's Head, as well as Hudson County, NJ ports.
 - The group added additional ports to the map to reflect this.
- They also indicated several convergence zones where multiple transit lanes were likely to intersect.





Group 4 Report-out

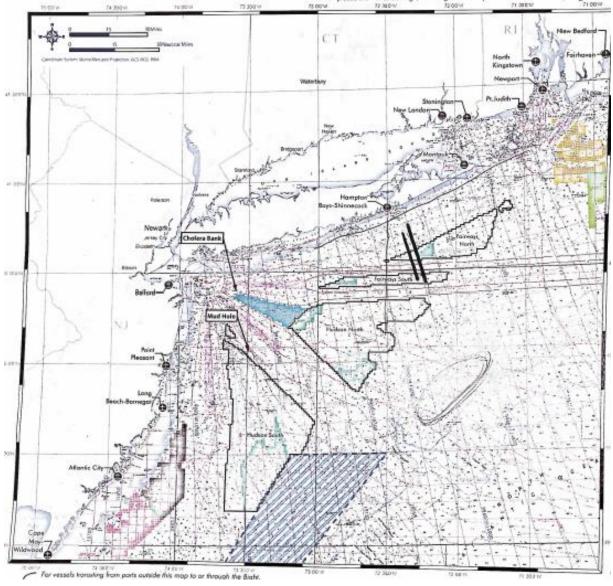


Figure 5: Group 4 Transit Lane Map

- The group included only one fishermen so didn't want to make recommendations beyond the knowledge of the fisherman in the group.
- They added a line from Shinnecock south for squid, fluke, or scallop fishing and noted it could also be angled more towards Montauk.
- The group opted to cut through the west side of Fairways north with the proposed lane (with two potential lines for the lane drawn on the map to show the width).





Group 5 Report-out

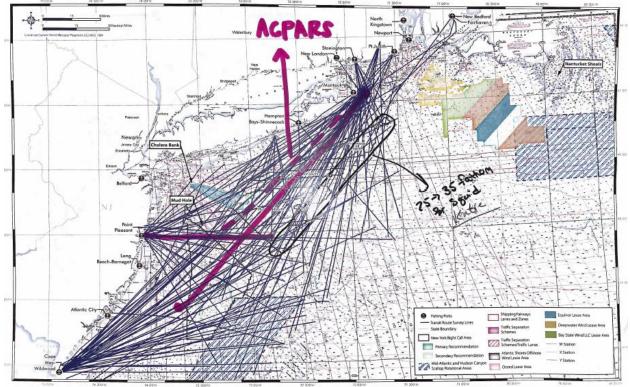


Figure 6: Group 5 Transit Lane Map and Legend

- The group drew a diagonal line from north to south and noted this is a fluke and scup fishery transit lane that extends from Point Judith to points south.
- The group added a large circle to note an important fishing ground for squid.
- The group noted that they could only speak for fisheries and ports in their group in drawing the lanes.
- The group wanted to see a map with more detail and fathom lines to help identify fishing groups.
- They also added a tug and tow lane with dotted line. They noted that if the Coast Guard moves forward with a tug and tow lane, a fishing transit lane could be suitable to the right of what is proposed.
- The group also highlighted the need to differentiate between fishing areas and transit areas and if fishing can happen in transit lanes.
 - They shared that there could be bottlenecks in the future if fishing was allowed in lanes.
 - The Coast Guard noted that they have not regulated about who fishes in fairways previously.





Group 6 Report-out

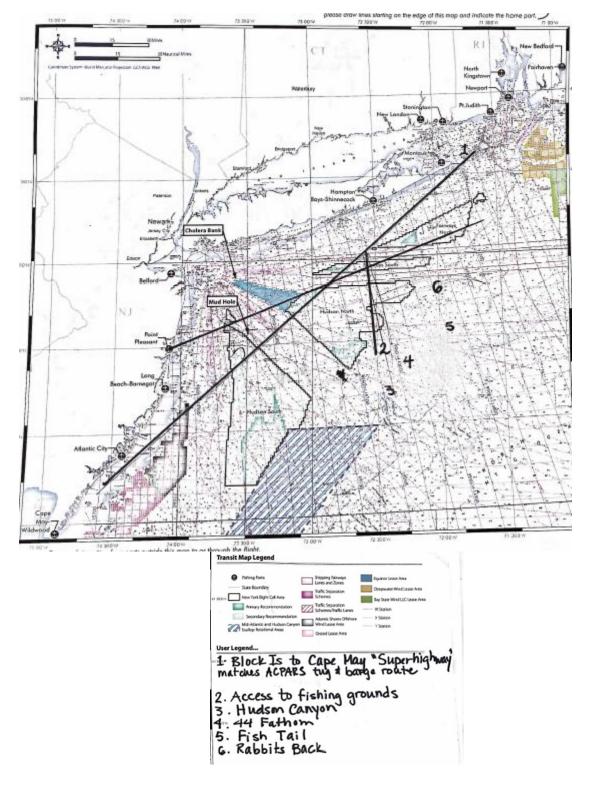


Figure 7: Group 6 Transit Lane Map and Legend





- The group proposed a "Superhighway" from Block Island to Cape May that aligns with the Coast Guard ACPARS tug and barge route. It would be a fairway without focusing on individual ports.
- This superhighway would be four miles wide and provide transit for people from as far away as New Jersey and Virginia, with off ramps along the route.
 - This approach may be challenging for some, including scallopers from outside the area looking for a straight route from port to grounds
- The group also labelled additional areas on the map as important fishing groups, including Hudson Canyon, 44 Fathom, Fish Tail, and Rabbits Back.
- The group noted they did not have representation from all the ports in the group and multi-vector trips are a challenge (e.g. are you going port to port, port to fishing ground, or port to fishing ground and other port?).
- Recreational fishermen should also be included in this effort as during the summertime, they will transit up to 10-12 miles offshore.





Group 7 Report-out

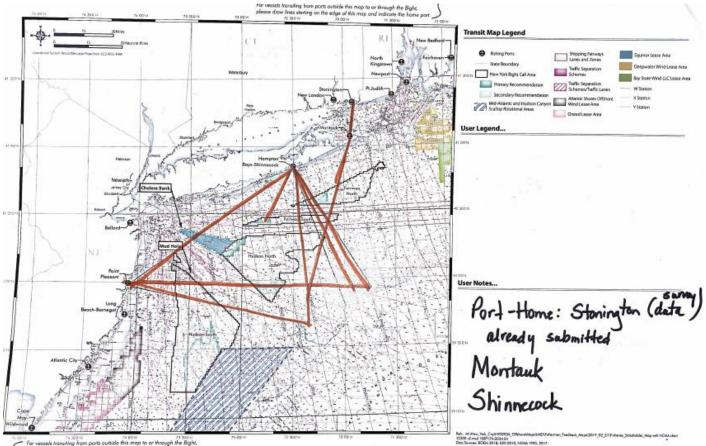


Figure 8: Group 7 Transit Lane Map and Legend

- The group discussed the need to all the ports to be represented in these discussions.
- They added transit lanes from Shinnecock, Point Pleasant, Montauk, and Stonington on the map based on the knowledge of the fishermen in their group.
- The group also discussed examples from Europe where fishermen are able to fish within turbine arrays.





Appendix 1: Additional Survey Data

Ahead of the workshop, RODA distributed surveys to commercial fishermen to understand where they transit in the New York Bight. Nineteen surveys representing approximately 110 fishermen were collected and the lanes were plotted together on a map for the workshop. The maps below includes additional surveys that were collected from fishermen after the workshop alongside the original workshop data from the survey (43 surveys in total).

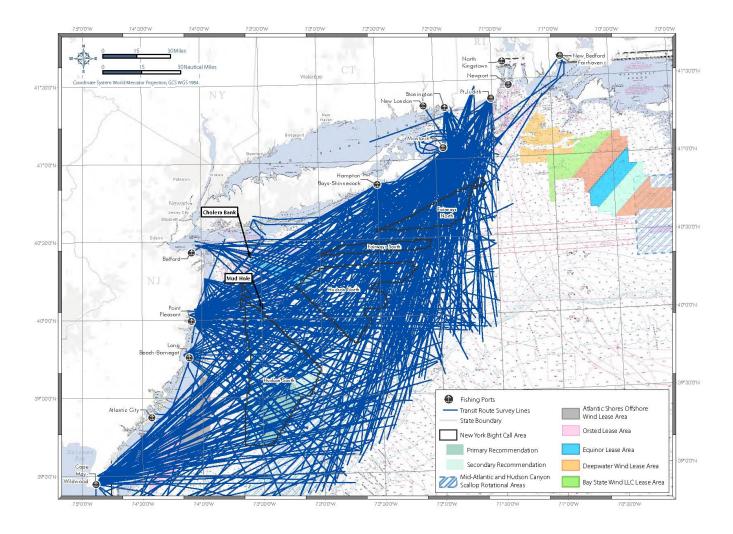


Figure 9: Updated Commercial Fishermen Transit Lanes Survey Data





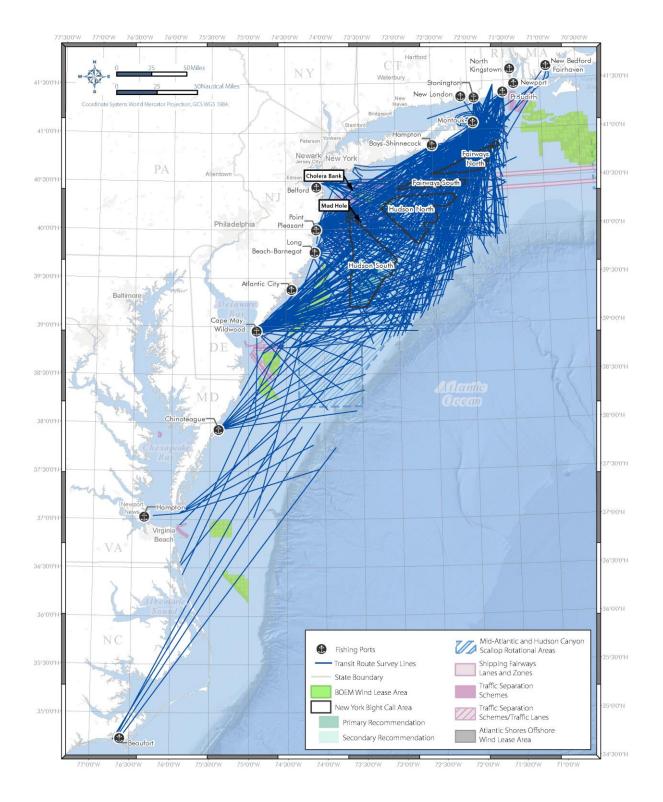


Figure 10: Updated Commercial Fishermen Transit Lanes Survey Data





Appendix 2: Workshop Agenda

Workshop Agenda New York Bight Transit Lane Workshop March 27, 2019 8:30 to 4:30 PM Danford's Hotel and Marina, Port Jefferson, New York

<u>Goals</u>

- Explore the interests and needs of commercial fishermen in transiting through and around the New York Bight.
- Explore how these transit lanes may interact with proposed Wind Energy Areas
- Engage agencies, fishermen, and developers in exploring interests and options
- Identifying and to the extent possible prioritize potential lanes and overall packages of lanes for future consideration by agencies and developers

Rules of Engagement

- All parties have legitimate interests and constituents they represent
- No casting aspersions on others
- Stay on track with the agenda
- Seek clarity on interests and needs
- Consider options that meet multiple needs
- Stay focused on problem solving

<u>Agenda</u>

Registration and Coffee		
 Welcome, Annie Hawkins, Responsible Offshore Development Alliance (RODA) and Morgan Brunbauer, DEC Purpose and Intent of the Workshop Expected Outcomes and Next steps 		
Introductions, Name and Affiliation		
Agenda, Rules of Engagement, Goal, Patrick Field, CBI Facilitator		
 Interests we are trying to Meet In small and large groups, participants explore the interests and needs they are trying to meet through identification of transit lanes 		





10:15	 Role of Agencies in Determining Transit through WEAs BOEM's roles, authorities, and limitations, and timeline for NY Bight Lease Area designations, <i>Brian Hooker BOEM</i> 			
	 Coast Guard's roles, authorities, and limitations, including lane widths, allowable activities, Ed LeBlanc, USCG 			
10:45	Break			
11:00	What does the Data Show? Lyndie Hice Dunton, Ecology and Environment, and Doug Christel, NOAA			
	 Presentation on the data we have gathered from various sources Questions and Comments from the group 			
12:00	Lunch			
1:00	 From Data to Possible Lanes Given the data and what we know from experience and expertise in the room, what would be a potential set or transit lanes that would work for the New York Bight area? Participants work in small groups 			
2:00	 Reporting Out on Potential Transit Lane Approaches Each small group reports back their ideas, approach, and lingering questions 			
2:45	Break			
3:00	 Considering What We've Learned Collectively Given the various groups draft ideas or approaches, what are: 1) commonalities; 2) differences; 3) needed next steps to move from ideas to a specific approach across the New York Bight? 			
4:15	 Next Steps, Action Items, C&C, RODA and NYS Deliverables from this Workshop 			
4:30	Adjourn			





Appendix 3: Workshop Attendee List

FIRST NAME	LAST NAME	AFFILIATION
Melissa	Albino	Agency
Katie	Almeida	Commercial fisherman
Dave	Aripotoh	Commercial fisherman
Michelle	Bachman	Other
Arianna	Baker	Agency
Crista	Bank	Developer
Michael	Bauhs	Commercial fisherman
Bonnie	Brady	Other
Morgan	Brunbauer	Agency
Josh	Buck	Agency
Merry	Camhi	NGO
Doug	Christel	Agency
Karen	Chytalo	Agency
Peter	Clarke	Agency
Antoinette	Clemetson	Other
Jessica	Coakley	Agency
Fara	Courtney	Other
Julie	Curti	Other
Maureen	Davidson	Agency
Jessica	Dealy	Developer
Michael	Decker	Commercial fisherman
Michele	Desautels	Agency
Stephen	Drew	Developer
Gina	Fanelli	Agency
Daniel	Farnham	Commercial fisherman
Pat	Field	Other
Michael	Fogg	Other
Bill	Fonda	Agency
Josh	Gange	Agency
Jim	Gilbert	Commercial fisherman
Benjamin	Goetsch	Commercial fisherman
Martin	Goff	Developer
Mark	Harrington	Other
Annie	Hawkins	Other
Janna	Herndon	Agency
Lyndie	Hice-Dunton	Other
Brian	Hooker	Agency





Ursula	Howson	Agency
Sherryll	Huber Jones	Agency
Maureen	Johnson	Agency
Lane	Johnston	NGO
Tom	Kehoe	Other
Taylor-Lynn	Kunkle	Agency
Pamela	Lafreniere	Agency
Gregory	Lampman	Agency
Kirk	Larson	Commercial fisherman
Edward	LeBlanc	Agency
Julia	Lewis	Other
Carl	LoBue	NGO
Julie	Lofstad	Commercial fisherman
John	Maniscalco	Agency
Elizabeth	Marchetti	Developer
Kathleen	Marean	Other
Joe	Martens	NGO
Fred	Mattera	NGO
Kate	McClellan Press	Agency
Kim	McKown	Agency
Chuck	Morici	Commercial fisherman
John	O'Keeffe	Developer
Ruth	Perry	Developer
Stephen	Pigeon	Agency
Wolfgang	Rain	Developer
Shaye	Rooney	NGO
August	Ruckdeschel	Agency
Jennifer	Sheehy	Agency
Nancy	Solomon	NGO
Bret	Sparks	Other
Amanda	Stigliano	Other
Kevin	Walsh	Agency
John	Williamson	Developer
John	Windels	Commercial fisherman
Christen	Wittman	Developer