

## New York Bight Transit Lanes Surveys, Workshop, and Outreach Summary

2020

### ABSTRACT

NYSERDA, NYSDEC, and RODA gather feedback from commercial fishermen regarding fishing transit through proposed possible New York Bight Wind Energy Areas (WEAs) from January 2019 through January 2020.



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## New York Bight Transit Lanes Surveys, Workshop and Outreach

### Executive Summary

Marine transit in or around proposed Wind Energy Areas (WEAs) and wind energy lease areas in federal waters from New England to South Carolina has emerged as an issue of concern, particularly for commercial and recreational fishermen. Thus, the New York State Energy Research and Development Authority (NYSERDA), the New York State Department of Environmental Conservation (NYSDEC), and the Responsible Offshore Development Alliance (RODA) sought to gather feedback from commercial fishermen regarding fishing transit through proposed possible New York Bight WEAs from January 2019 through January 2020. Feedback was gathered through:

- **Surveys.** To initiate this process, RODA distributed surveys to commercial fishermen. In the winter and spring of 2019 forty-three (43) surveys representing over 200 fishermen were collected.
- **Workshop.** NYSERDA, NYSDEC, and RODA hosted a workshop on March 27, 2019 in Port Jefferson, New York with just over ninety (90) participants to further explore and identify potential transit routes. A workshop summary was prepared and shared on July 9, 2019.
- **Transit Lane Map.** In early fall of 2019, the process sponsors developed a “simplified” map based on data provided to date from multiple sources of potential transit lanes. This map along with a second survey was distributed to workshop participants, RODA members, and others in early November 2019.

### Purpose of this document

The information gathered through this process is intended to be detailed information for the Bureau of Ocean Energy Management (BOEM) as it seeks to further refine its New York Bight WEAs. The project team also hopes that this summary of the process and products can be a resource and guide to other federal agencies, state agencies, wind energy developers, commercial fishermen, and other stakeholders. The data gathered may be useful information for individuals or organizations interested in this issue that are considering submitting additional comments now or at a later time to inform both lease designations and individual projects. For example, comments may be submitted to BOEM after the bureau issues new proposed WEA delineations, during a BOEM Notice of Proposed Lease Sale in the New York Bight, or to the United States Coast Guard (USCG) on their current Atlantic Coast Port Access Route Study (ACPARS).

### Key Transit Route Designation Considerations

The process identified several considerations for designating transit routes. These key considerations are that:

### Transit lanes should be established:

- To avoid or minimize conflict among various users, including but not limited to commercial fishing, as well as avoid or minimize potential collision impacts to wildlife;
- Early, be enforceable, and preferably be established before developers have submitted bids and made financial commitments based on assumptions about the amount of lease area available for development;
- To provide connection and consistency across lease areas and projects throughout the New York Bight (and to adjacent areas such as lease areas off of New Jersey) to allow for safe, regular, and coherent travel across the region;
- To ensure commercial fishing economic opportunities for all ports, not just some or a few; and
- To allow for transit to and from various ports and fishing grounds in the straightest and most direct route possible to minimize transit time, associated costs, and economic impacts on the commercial fishing industry.

### Additionally, transit lanes should:

- Above all provide safe passage of vessels in a range of sea conditions;
- Be established between lease areas in the final BOEM lease area designations;
- Be limited in number, based on data provided, to not overburden any one proposed lease area while ensuring sufficient transit across such areas for different purposes and needs (varying by port and fishery);
- Have designations that are data-informed to the greatest extent possible, utilizing a shared and widely accepted methodology, and include risk analysis for both calm seas and storm conditions; and
- Follow a process for determining lanes that is broadly inclusive of the commercial fishing industry.

## Background and Context

Marine transit in or around proposed Wind Energy Areas (WEAs) and wind energy lease areas in federal waters from New England to South Carolina has emerged as an issue of concern, particularly for commercial and recreational fishermen.

The topic of safe and efficient navigation was first raised and considered in detail in the proposed New England WEAs, primarily after most leases had been let to individual wind energy developers. Meetings were held in New England by parties such as the Port of New Bedford, Massachusetts Clean Energy Center, the Responsible Offshore Development Alliance (RODA), fishermen, state agencies, and federal agencies from May 2018 until early winter 2019. Meetings sought to find a consensus approach to sufficient but limited transit areas, in both spatial location and standard width, in the New England areas. While interests and concerns were articulated, various routes explored, and a narrowing of differences achieved, no single set of routes were agreed upon by most or all parties. The United States Coast Guard (USCG) took up the matter in early 2020 and decided to develop and issue a port access route study on these matters.

To learn from this experience in New England and potentially seek an accepted approach to transit through the New York Bight prior to individual lease sales, the New York State Energy Research and Development Authority (NYSERDA) and New York State Department of Environmental Conservation (NYSDEC) reached out to RODA in late 2018 to **jointly develop, convene, and complete a process for engaging fishermen and agencies in identification of transit routes in proposed WEAs**. This document describes this process and its outcomes as of March 2020.

## Overall Project Process

NYSERDA, NYSDEC, and RODA sought to gather feedback from commercial fishermen regarding fishing transit through proposed New York Bight WEAs from January 2019 through January 2020. The process involved the following.

1. **Winter 2019 survey.** RODA distributed surveys to commercial fishermen to understand where they transit in the New York Bight. Forty-three (43) surveys representing over 200 fishermen were collected and the lanes were plotted together on maps.
2. **Workshop.** NYSERDA, NYSDEC, and RODA hosted a workshop on March 27, 2019 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 New York and neighboring states, federal agency representatives, nonprofit organizations, universities, and several consulting firms.
3. **Workshop summary.** A workshop summary was prepared from the initial survey, presentations at the workshop, and the workshop dialogue. The summary was sent to participants on July 9, 2019 and participants were asked to review the accuracy of comments and information in the report.
4. **Transit lane map.** In early fall of 2019, the process sponsors reviewed the data from the survey, presentations from the workshop, and the suggested transit lanes from small group work, and developed a "simplified" map of potential transit lanes.



5. **Fall 2019 survey.** This map along with a second survey was distributed to workshop participants, RODA members, and others in early November 2019.
6. **New York Bight Transit Lanes Surveys, Workshop and Outreach Summary (this document).** Upon receipt of second round survey responses, this document was developed to capture the data collected, the options identified for transit lanes, and to serve as the basis for stakeholders to comment on future proceedings such as BOEM wind energy lease designations or specific wind energy project proposals.

More information on each step of the process is provided throughout this document.

## Winter 2019 Survey

NYSERDA, NYSDEC, and RODA developed and distributed a survey in February 2019 to commercial fishermen to better 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 during a spring 2019 workshop. A cropped image of the map created is shown in Figure 1. (Full size maps can be found in [Appendix 1](#)).

An additional 24 surveys were collected from fishermen after the workshop and a full size version of the map with that data is included in the appendix. A total of 43 surveys representing hundreds of fishing vessels were collected. The results of all surveys are provided in Figures 2 and 3, one truncated to focus solely on the New York Bight area and the other to show responses from Ports along the Atlantic coast from Beaufort, South Carolina to New Bedford, Massachusetts.



Figure 1: Compilation of Commercial Fishermen Transit Lanes Survey Data

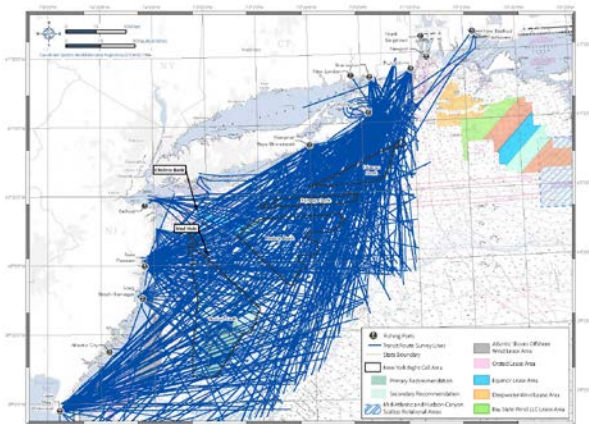


Figure 2: Updated Commercial Fishermen Transit Lanes Survey Data (truncated geography)

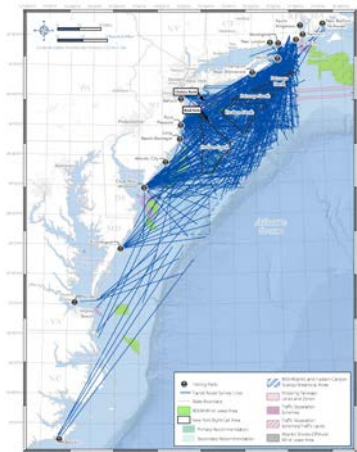


Figure 3: Updated Commercial Fishermen Transit Lanes Survey Data (complete geography)

## Workshop Summary

NYSERDA, NYSDEC, and RODA hosted a workshop on March 27, 2019 in Port Jefferson, New York. The information below summarizes key points from discussions held during the one-day workshop, which included the subjects below. The workshop agenda is included in [Appendix 3](#).

- **Background presentations:** The workshop included presentations on the roles of New York State, BOEM, and the USCG in designating transit corridors, as well as a presentation of aggregated background data gathered from various sources on current transit lanes. That data included Vessel Monitoring Systems (VMS) data analysis by the National Marine Fishery Service (NMFS), Automatic Information System (AIS) data, and survey data on transit completed by fishermen as part of the preparation for this workshop.
- **Key interests:** During small breakout group sessions, workshop participants discussed the key interests that they were trying to meet in establishing transit lanes through WEAs.
- **Discuss next steps:** A full-group discussion followed the small group session. A compilation of discussion points and next steps to advance this work are included after the summary of key considerations.
- **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 a comprehensive record of all comments made during the workshop, 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 in [Appendix 4](#).

During morning workshop sessions, participants heard presentations from BOEM and the USCG providing an overview of the role of federal agencies in determining transit through WEAs. They also heard from 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 potential initial options for transit lanes. Each group included a facilitator and had access to an online mapping tool that aggregated findings from different data sources. Small group report-outs and images of initial maps are included in [Appendix 2](#). Slides from presentations given at the workshop are available on the F-TWG website at: <https://nyfisheriestwg.ene.com/Resources/TransitWorkshop>.

## Key Considerations

Nine main themes arose from small breakout groups and full group discussions around stakeholders' interests in providing for transit through or around WEAs and future lease sites. These are summarized, in no particular order, and additional details on these considerations for transit lanes are presented below.

- Minimize the economic impacts to the fishing industry
- Consider economic impacts on developers and the efficient design of their projects
- Safety for vessels should be a top priority
- Establish early and be enforceable
- Ensure economic opportunity for port communities

- Broadly inclusive of the commercial fishing industry
- Data-informed and include risk analysis
- Consider the energy goals and mandates of the states
- Minimize wildlife and fishing conflicts

### Minimize the economic impacts to the fishing industry

Transiting around wind arrays is a large economic burden for fishermen and an increased cost of transit negatively impacts the market value of fish. The following considerations will help minimize these economic impacts.

- **Fishing locations.** There is a need to find the most expedient, direct routes possible through or around WEAs. For transit lanes to make sense, information about where fishing is happening needs to be on maps used for recommendations and decision-making.
- **Re-examining policy and management.** The intersection of policy and management (e.g. fishing quotas); regulations, tools, and policies will need to be re-examined in light of offshore wind development.
- **Social impact.** Fishermen must spend a longer time away from home if transiting around wind farms; this is a negative social impact of offshore wind.
- **Radar scatter.** There is a concern about radar scatter as this is another potential safety impact on fishermen of offshore wind development.

### Consider the economic impacts on offshore wind developers and the efficient design of their projects

Co-existence with commercial fishing is the goal of offshore wind developers. However, offshore wind developers need certainty about outcomes. Therefore, stranding assets by cutting off portions of a lease area with navigation lanes should be avoided.

### Safety for vessels should be a top priority

There are a few key considerations for ensuring safety for vessels.

- **Width and number.** There will be lane crowding and bottlenecks if transit lanes are not wide enough or there are too few of them.
- **Weather.** Transit lanes need to anticipate potential for severe weather and be sized appropriately.
- **Boats breaking down.** There is a need to determine how to handle boats breaking down in lanes.
- **Search and rescue.** Lanes should be designed to ensure search and rescue can happen.
- **Fishing.** It needs to be determined if it is safe for fishing to be allowed in transit lanes (mobile and fixed gear) and how it will be managed.

### Establish early and be enforceable

Transit lanes would be most effective if established early and enforceable. It is important to have lanes established early-on in the lease process (ideally before the leases are granted so the lessees know the impacts to their sites). Once established, lanes should be enforceable and ideally not changed.

- **USCG.** There is strong interest from stakeholders to have USCG leadership on these items. Questions asked included:
  - Can the USCG use its fairways jurisdiction?



- Would the USCG be willing to do a study akin to what is happening in Southeast New England<sup>1</sup>?

#### Economic opportunity for port communities

Transit lanes should seek to ensure economic opportunity for port communities. Offshore wind means infrastructure investments for communities and states. However, there could be a big and/or disproportionate impact on ports depending on which lanes are chosen.

#### Broadly inclusive of the commercial fishing industry

The process for determining lanes should be broadly inclusive of the commercial fishing industry. This determination process should include representation of all gear types and ports, as well as of for-hire boats and recreational fishermen.

#### Data-informed and include risk analysis

Decisions should be data-informed and include risk analysis. There is a need for data from smaller vessels; additional surveys are needed to capture this.

#### Consider the energy goals and mandates of the states

Transit lanes should ensure that the state's energy goals and needs can be met, that is, that lanes do not preclude the technical and economic value of a lease area.

#### Minimize wildlife and fishing conflicts

Lanes should seek to minimize wildlife and fishing conflicts.

- **Wildlife.** Offshore wind transit lanes could have impacts on fish, birds, and whales. Stakeholders are also concerned about dead zones, invasive species, seafloor impacts, and cabling.
- **Fishing.** 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 in [Appendix 2](#), a full group discussion followed. Key discussion points have been organized below based on which agency or stakeholder group they relate to.

#### USCG Discussion and Takeaways

- **Atlantic Coast Port Access Route Study (ACPARS) opportunity.** There is an opportunity to comment on the [ACPAR supplement on port access route studies](#).
  - Initial discussions in the First district identified one port access route study in the New York Bight with a summer 2020 kick off that would potentially conclude in fall 2021, but that schedule is tentative at this stage.

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

- **Public comments** on the ACPARS can be received up until May 1, 2021 and there are three public meeting opportunities for comment.
- The study was announced in the Federal Register on March 15 and each USCG District has been asked to look at ports to prioritize for additional studies. The study supplements and builds on the ACPARS completed on April 5, 2017.
- **USCG study.** There were multiple requests and strong interest for the USCG to pursue a transit lane study for the New York Bight similar to the southeastern New England Study the USCG is pursuing.
  - Commenting on the ACPARS is one method for requesting a USCG study in the New York Bight (see link above).
- **Recommendations for study methods.** Several stakeholders shared input with the USCG for methods in conducting their studies.
  - **Measuring vessel width.** A stakeholder recommended including the outriggers of vessels, not just measuring from the beam. They also noted the need to account for tides and wind.
  - **Account for scattering.** 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.
  - **European differences.** 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.
- **Delaying lease sales.** 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.

- **Scallop and surf clam data.** A stakeholder shared that scallop and surf clam data is represented by Northeast Ocean Data Portal (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.
- **Reference lines.** Add the following reference lines:
  - Latitude and longitude lines
  - Loran grid lines
  - 10 fathom increment (some in 5) / fathom curves
- **Add location.** Nantucket shoal to 5 fathom bank – NOAA Navigational Chart 12300.
- **Larger maps.** Maps should be nautical chart size; bigger maps are needed.

- **Tug and tow lanes.** Add these lanes that the USCG is considering.
- **Fishing ground locations.** Add where fishing grounds are to the map. Many stakeholders felt it 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 New York Bight and in New England waters.
  - The maps would need to differentiate between fishing and transit lanes.
- **No fishing areas.** The maps should also show places where you can't fish, including closed areas, shipwrecks, and known hangs.
- **Ports.** All ports need to be represented on the map. For example, party and charter boat ports are not on the map (e.g., Fire Island and Sheep's Head Bay). They only have logbook data from these boats which also use many locations in one trip.
- **Fishermen data plotting.** 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.
  - 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.
  - [NYSERDA's research solicitation](#) could be an opportunity to collect this data.
- **Multi-vector trips.** Key element not captured are multi-vector trips (e.g. port to port, port to fishing ground, and fishing ground to another port).
- **All data collected from surveys.** Need to account for all the data and lines already collected and represented via the survey process.

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

- **Gear group participation.** Major gear groups from major fisheries in every state need to participate in transit lane discussions.
- **Targeted outreach.** Outreach needs to be more targeted and give people proposed transit lanes to react to.
  - Most fishermen cannot do an all-day meeting in Port Jefferson.
  - Outreach to other ports, party boats, and charter boats.
    - New York State agencies could do this and the USCG from a safety perspective.
- **Nautical charts.** It is important to show fishermen the maps in the languages they speak (e.g. nautical chart size with latitude and longitude lines).
- **Place-specific outreach.** Input can include:
  - Visiting individual ports and covering all states: Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Virginia, and North Carolina.
  - 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:

- Rhode Island – Narragansett (rather than Providence)
- Massachusetts – New Bedford (rather than Boston)
- New York – go to the ports
- 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.

## Transit Lane Map Development and Fall 2019 Survey

In early fall of 2019, the process sponsors reviewed the data from the survey, presentations from the workshop, and the suggested transit lanes from small group work, and developed a **“simplified” map of potential transit lanes**. The process sponsors were seeking to identify a smaller set of potential transit lanes, given the rich data provided, in order to solicit a second round of opinions on specific proposed lanes.

The “simplified” transit lanes were developed by RODA and NYSERDA based on:

- 1) NMFS data presented at the workshop;
- 2) Surveys provided by fishermen before and after the workshop; and
- 3) Breakout group suggestions at the workshop.

**Principles.** The principles that drove identifying fewer transit lanes for further comment were:

- **WEAs.** Transit lanes would be drawn only in expected proposed WEAs (the light and dark green areas identified by BOEM).
- **Connectivity.** The transit lanes should be drawn to provide connection to lanes in other WEAs to ensure connectivity and efficient transit
- **Direct routes.** The transit lanes should be drawn to allow for transit to and from various ports and fishing grounds in the most efficient and direct route possible.
- **Limited lanes.** The transit lanes should be drawn in limited numbers, based on data provided, to not overburden any one proposed WEA and to ensure sufficient transit across such areas for different purposes and needs (varying by port and fishery) and to provide a more focused set of options for final comment.

**Assumptions.** The following assumptions were made for this second survey round.

- **Not endorsing areas.** This effort in obtaining feedback is not an endorsement of any particular WEAs or specific lease areas. Rather, it is an effort to identify potential transit corridors given the BOEM-identified areas to date.
- **Commercial fishermen areas.** The corridors are focused solely on transit through possible WEAs by commercial fishermen. These corridors do not seek to address other marine transportation.
- **Transit only.** This effort is focused solely on transit for commercial fishermen and their ports. It does not speak to the shape, location, or desirability of lease areas *regarding actual fishing*.

- **Not precise widths.** We are not addressing widths specifically in this effort as the USCG works this issue, but rather direction and approximate location of possible corridors. The drawn transit corridors are not intended to be specific GIS coordinates nor precise widths.

The “consolidated” transit lanes are described in the map on the next page along with the survey questions embedded on the side of the map. The survey questions associated with Figure 4 are:

1. Which is your home port(s)?
2. What are the major species you fish?
3. Would these transit routes as outlined together generally meet your needs in terms of transiting through possible wind energy areas (as designated in light and dark green) (Y or N)?
4. Which of these routes would you most likely utilize (please refer by letter)?
5. Are you transiting a direction or route that is not reflected at all in this map by direction or location? If so, please describe.
6. Anything else you would like to add?



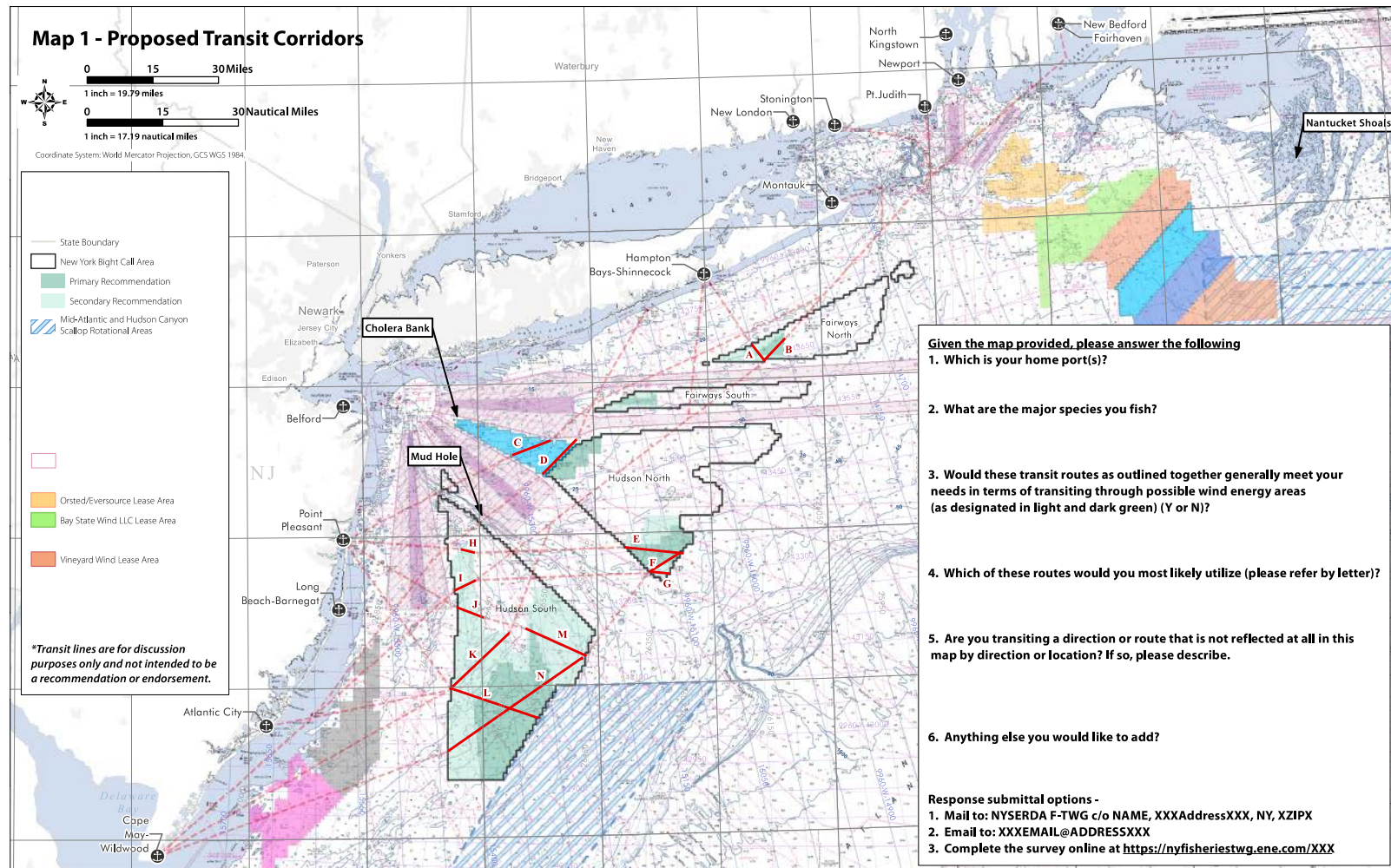


Figure 4: Consolidated Transit Lanes for Second Survey Response

Limited responses were obtained from this survey. They included one map, two written responses, and one submittal of a previous letter which can be found in [Appendix 5](#). The responses are summarized in Figure 5 below.

Ports	Species	Route meets needs	Routes	Route not on map	Comments
New Bedford-Fairhaven	Ground fish	No		No	To many unanswered questions about the impacts of project.
Pt Judith, Point Pleasant, Cape May Wildwood	Squid, scup, whiting, fluke, herring, whiting	Yes	A, B, C, D, E, F, G, H, I, J, K, L, M, N	No	This chart is very hard to read. The scale is too small.
Montauk	Squid, scup, whiting, fluke, herring, whiting	To some degree	A, B, C, D, K	Yes	Additional route in southeast corner of Hudson South, southeast of and parallel with drawn N.
Wallace and Associates	Surf clams and ocean quahogs	N/A	N/A	No	Coast Guard should consider all marine uses and develop an analysis and determination of needed transit routes under its authorities.

Figure 5: Summary of Limited Responses to “Simplified” Transit Routes distributed in fall 2019

## Further Action Affecting Transit Lanes

As the second survey was underway, further developments in New England occurred that could affect and influence decisions about transit lanes in the New York Bight.

**Massachusetts and Rhode Island Port Access Route Study (MARIPARS).** On November 19, 2019, the five offshore wind developer leaseholders issued a joint letter to the USCG outlining an industry agreement to space all turbines 1 NM apart across all five leases in fixed east to west rows and north to south columns and therefore no additional transit lanes or routes would be needed through the leases. On January 22, 2020, the USCG issued the MARIPARS (USCG – 2019-0131).

In general, the MARIPARS concluded that: 1) “A standard array layout with at least three lines of orientation throughout the WEA would satisfactorily and expeditiously provide safe navigation and continuity of USCG missions through seven adjacent wind farm lease areas over more than 1,400 square miles of ocean” (p.34); and 2) “Lanes for vessel transit should be oriented in a northwest to southeast direction, .6 NM To .8 NM wide . . . Lanes for commercial fishing vessels actively engaged in fishing should be oriented in an east to west direction, 1 NM wide” (p.38).

**MARIPARS comments.** Several groups commented on the final MARIPARS. The offshore wind industry-related Special Initiative for Offshore Wind (SIOW) and the American Wind Energy Association (AWEA) concurred with the recommendations, asked the USCG to incorporate the New England developers “1x1” proposal into the MARIPARS, but also concluded that there is: “an urgent need for the USCG to conduct

similar analyses for each region and not allow the recommendations contained in the final MARIPARS to be precedent-setting for any other region” (SIOW comment letter dated March 16, 2020).

RODA did not concur with the conclusions of the study, raising concerns about the study methodology, the 1x1 NM spacing (according to RODA, it rather be 1.32 NM along the diagonal corresponding to a 1.87 NM grid spacing), radar interference, and other issues (RODA comment letter dated March 16, 2020). Like the wind energy industry, RODA did support the notion that MARIPARS should not be determinative for other WEAs, such as the New York Bight.

**Lease developments.** Currently, two lease areas continue to be developed in or near the New York Bight: the Equinor Empire project in the New York Bight and the Atlantic Shores project due west of the southern portion of the Hudson South potential WEA. These two developers are continuing conversations with stakeholders, including fishermen for desired transit accommodation.

## Conclusion and Next Steps

The data collected through surveys, review of existing AIS and VMS data, and the dialogue among developers and fishermen are all useful and important input guiding BOEM’s final designation of lease areas in the New York Bight as well as informing individual developers about the transit uses and needs of commercial fishermen

The project team believes the following principles, derived from this work, should guide transit designations.

### Transit lanes should be established:

- To avoid or minimize conflict among various users, including but not limited to commercial fishing, as well as avoid or minimize potential collision impacts to wildlife;
- Early, be enforceable, and preferably be established before developers have submitted bids and made financial commitments based on assumptions about the amount of lease area available for development;
- To provide connection and consistency across lease areas and projects throughout the New York Bight (and to adjacent areas such as lease areas off of New Jersey) to allow for safe, regular, and coherent travel across the region;
- To ensure commercial fishing economic opportunities for all ports, not just some or a few; and
- To allow for transit to and from various ports and fishing grounds in the straightest and most direct route possible to minimize transit time, associated costs, and economic impacts on the commercial fishing industry.

### Additionally, transit lanes should:

- Above all provide safe passage of vessels in a range of sea conditions;
- Be established between lease areas in the final BOEM lease area designations;
- Be limited in number, based on data provided, to not overburden any one proposed lease area while ensuring sufficient transit across such areas for different purposes and needs (varying by port and fishery);
- Have designations that are data-informed to the greatest extent possible, utilizing a shared and widely accepted methodology, and include risk analysis for both calm seas and storm conditions; and
- Follow a process for determining lanes that is broadly inclusive of the commercial fishing industry.



**Department of  
Environmental  
Conservation**

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The project team also recognizes that key issues remain in dispute among different parties, including but not limited to the appropriate and necessary width for transit lanes (note the disagreement in the New England area mentioned above). Widths proposed have ranged from .6 NM to 1.32 NM to a request from most commercial fishermen for a 4-mile transit lane width.

Finally, the project team hopes that this summary of the process and products can be a resource and guide to state and federal agencies, wind energy developers, commercial fishermen, and other stakeholders. The data gathered may be useful information for individuals or organizations interested in this issue that are considering submitting additional comments now or at a later time to inform both lease designations and individual projects. For example, comments may be submitted to BOEM after the bureau issues new proposed WEA delineations, during a BOEM Notice of Proposed Lease Sale in the New York Bight, or to the United States Coast Guard (USCG) on their current Atlantic Coast Port Access Route Study (ACPARS).



## Appendix 1: Full Size Maps (in document Figures 1-3)

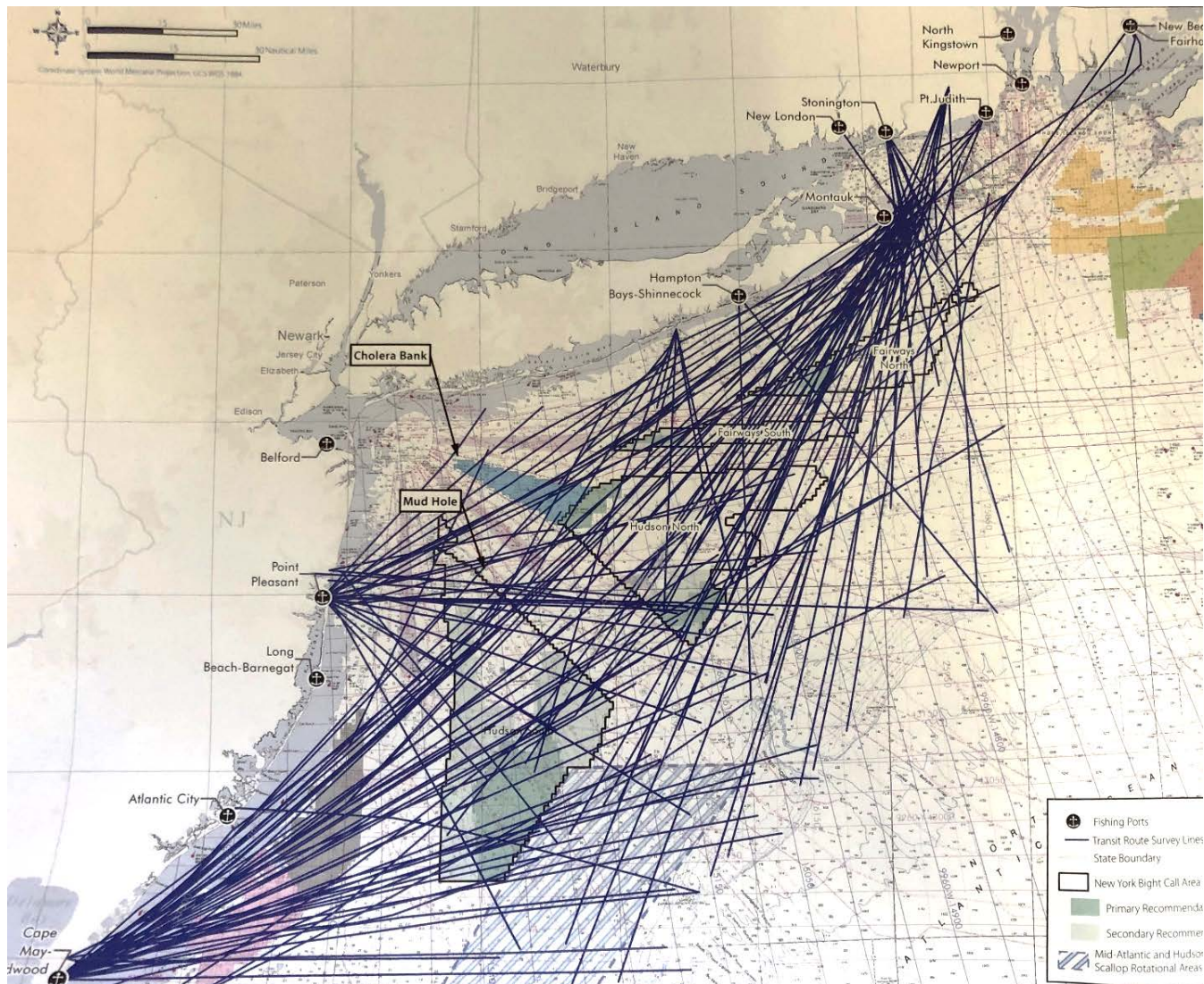


Figure 6: Compilation of Commercial Fishermen Transit Lanes Survey Data (full size Figure 1)



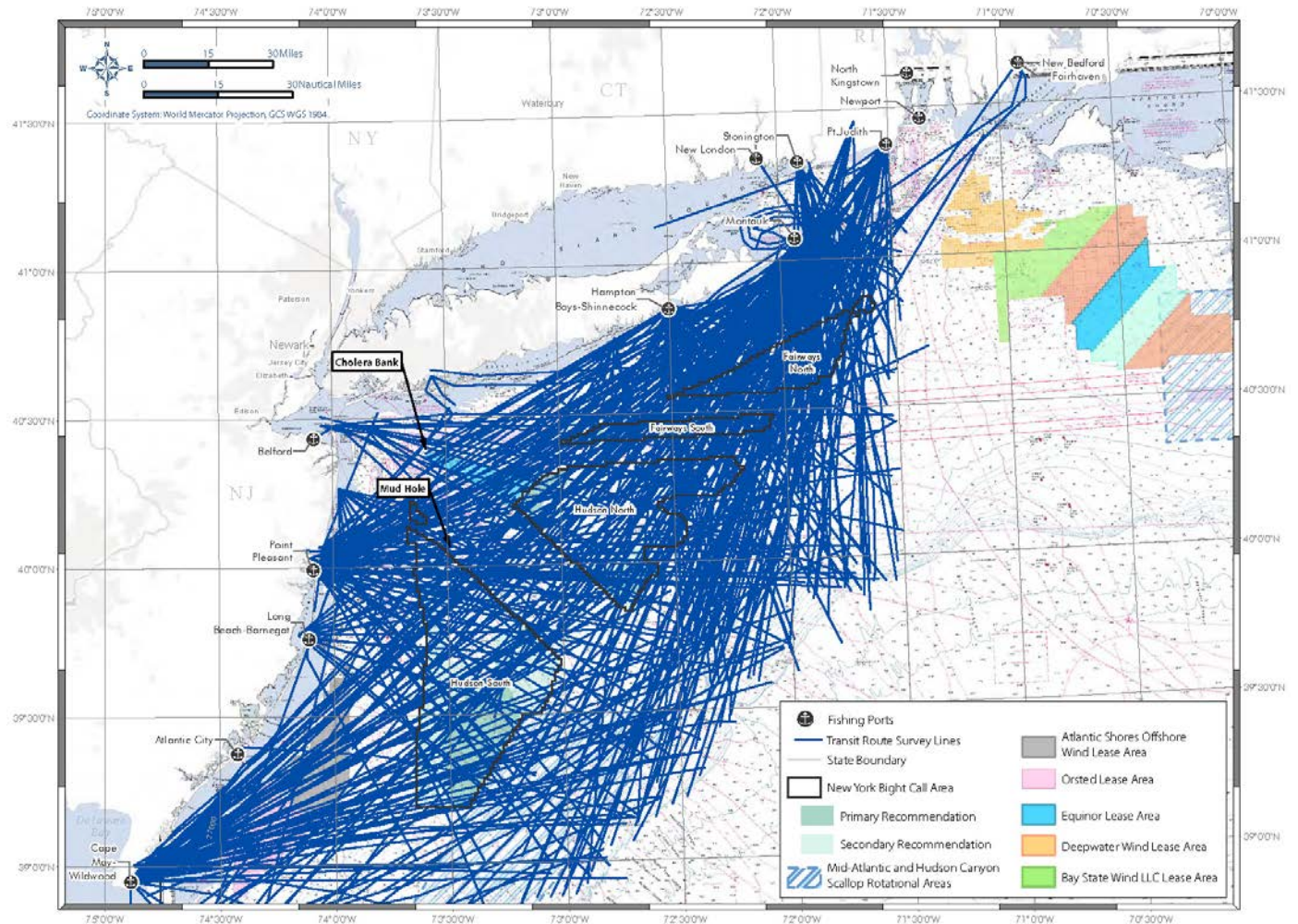


Figure 7: Updated Commercial Fishermen Transit Lanes Survey Data (truncated geography) (full size Figure 2)

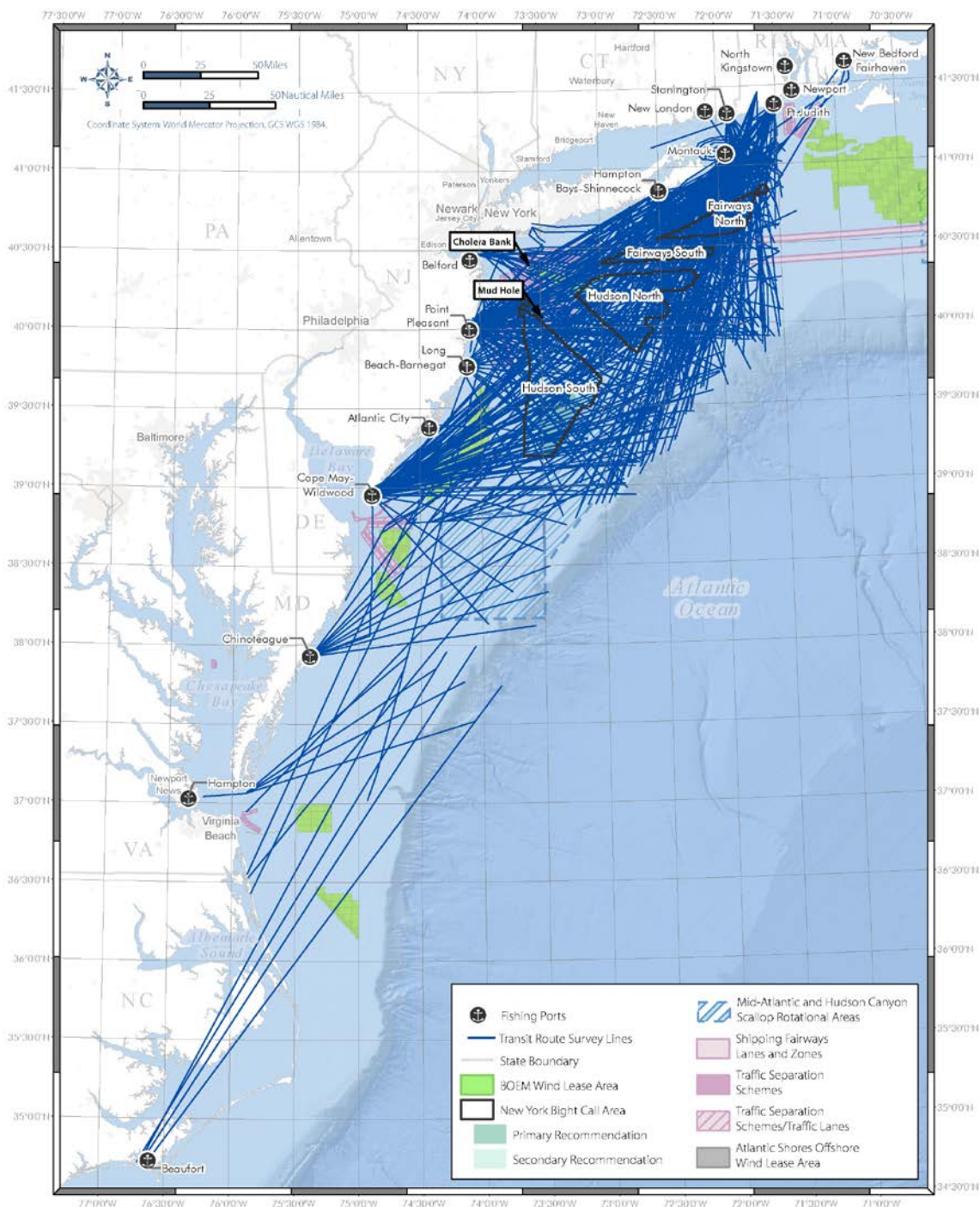


Figure 8: Updated Commercial Fishermen Transit Lanes Survey Data (complete geography) (full size Figure 3)

## Appendix 2: Small Group Key Takeaways and Maps

The following section details the issues and potential transit lanes each breakout group explored during the March 2019 workshop.

### Group 1 Report-out

#### Key Takeaways:

- **Broader conversations.** The group shared that they drew lines specific to several fisheries their group knew about coming out of Long Beach-Barneget, but their discussion mainly focused on how to improve the maps and broader questions about transit lanes.
- **Clarify activities.** 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?).
- **Fixed fisheries areas.** They shared that the maps would benefit from showing closed area polygons for scallop fisheries, and other fixed fisheries areas, within the New York Bight and in New England waters.
- **Impacts on fishermen.** The group also had a lot of discussion focused on the potential impacts on fishermen from offshore wind development.
- **Hard to plan routes.** They noted that the WEAs are all at an intermediate distance from shore, which makes it hard to plan routes.
- **Variable gear.** An additional challenge is that fishermen's gear is very variable, especially by fishery, season, area, and year-to-year.



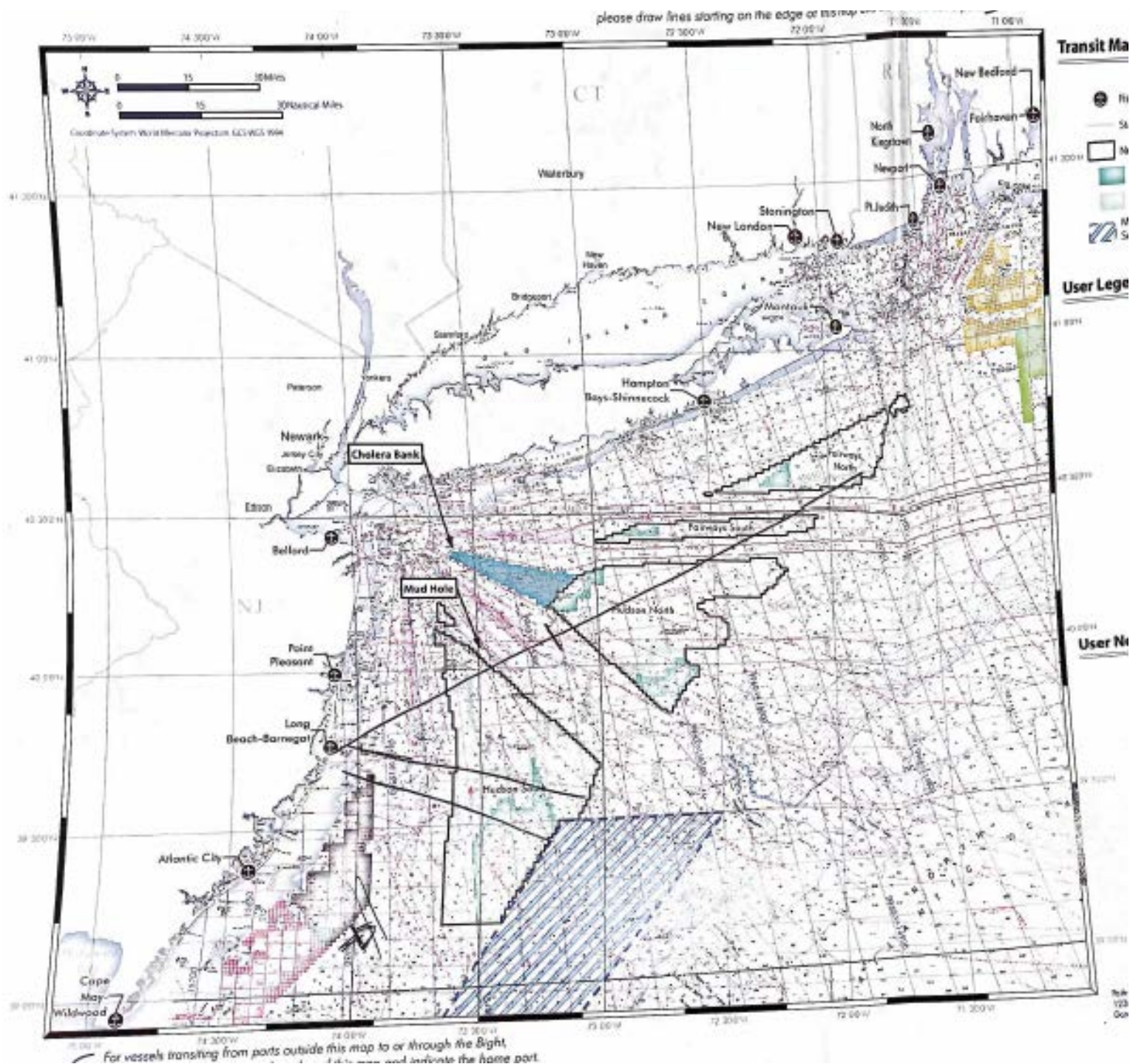


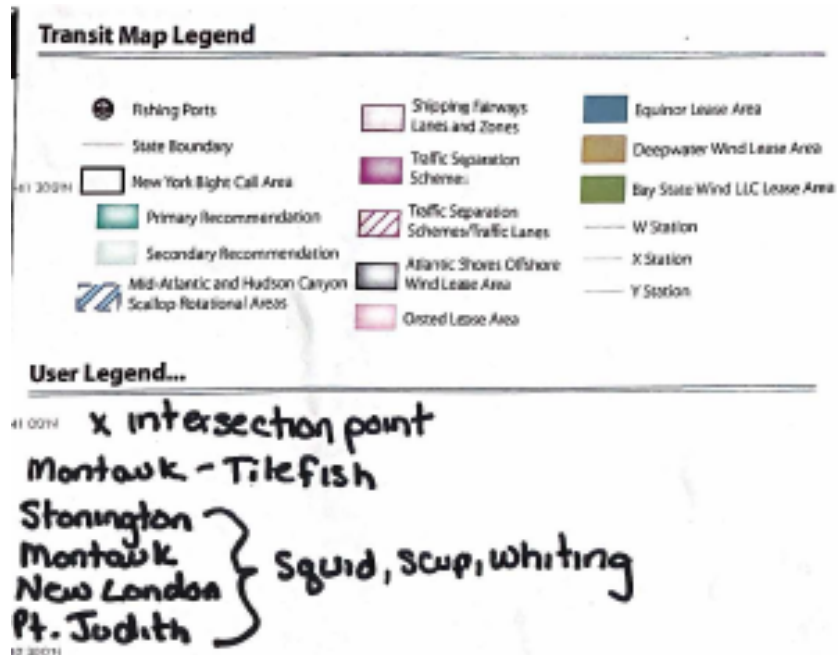
Figure 9: Group 1 Transit Lane Map



## Group 2 Report-out

### Key Takeaways:

- **Ports.** 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.
- **Traffic intersection.** 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.
- **Issues.** 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?
- **Missing port representation.** The group noted that it is very difficult to draw these lanes as many ports were not represented at the workshop.
  - **Party boat ports.** They also expressed concern that the ports that party boats use was not represented on the map (e.g., Fire Island and Sheep's Head Bay).



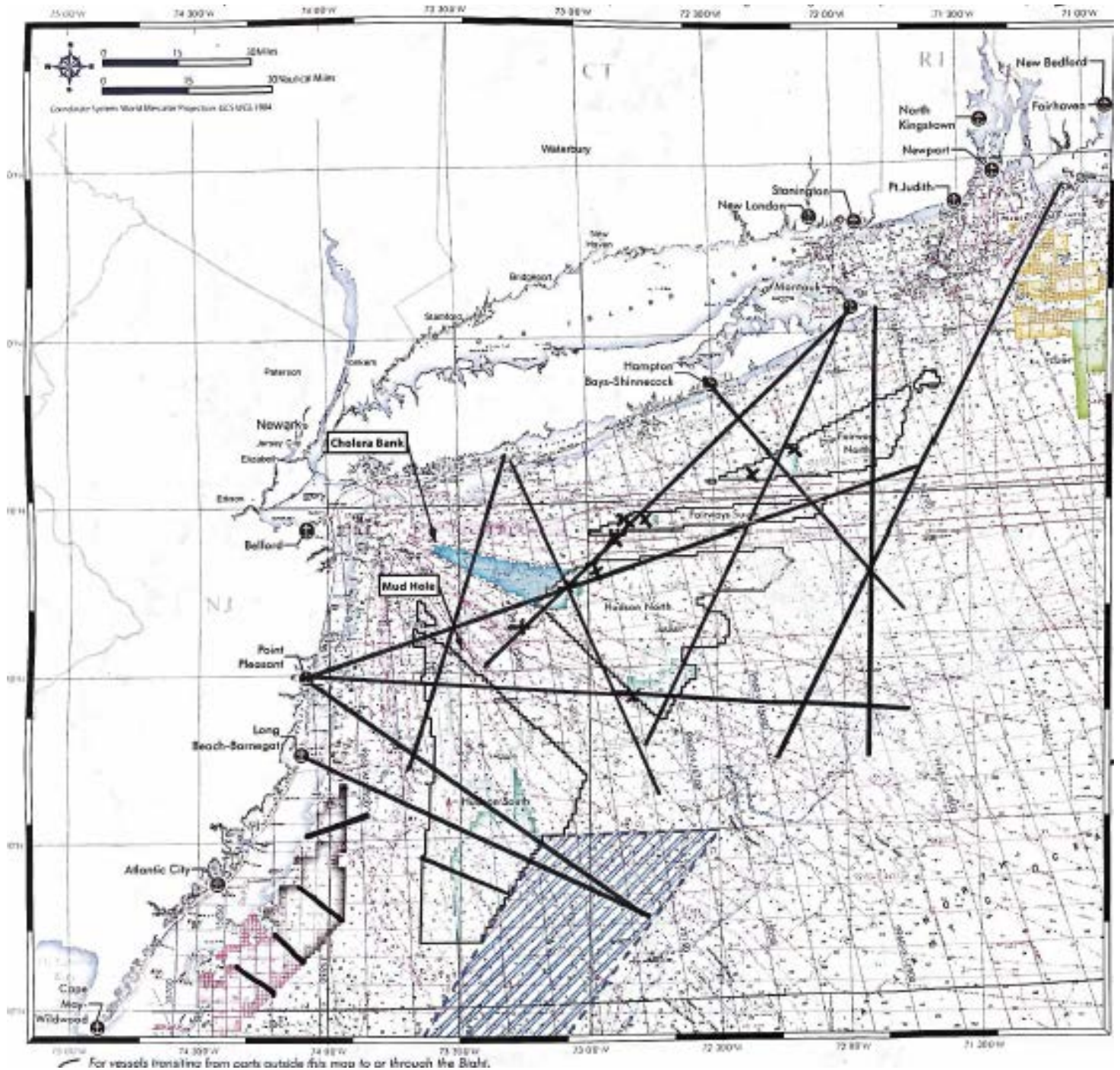


Figure 10: Group 2 Transit Lane Map and Legend

## Group 3 Report-out

### Key Takeaways:

- **Cohesion.** The group observed some cohesion with the RODA survey data and VMS data.
- **Added lanes.** They drew transit lanes from Cape May and Wildwood, Point Pleasant, and Shinnecock.
- **Added fishing areas.** The group also added circles to the map to note some squid, whiting, mackerel, fluke, surf clam, and scallop fishing areas.
- **Multi-species trips.** A key element the group couldn't capture with lanes were multi-species trips. For example, a fisherman who is fishing for dogfish and then monkfish does not have a linear transit line. The group shared they 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.
- **Missing party and charter boats.** 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 New York City, Captree, Jones Inlet, Jamaica Bay, and Sheep's Head, as well as Hudson County, New Jersey ports.
  - The group added additional ports to the map to reflect this.
- **Traffic intersection.** They also indicated several convergence zones where multiple transit lanes were likely to intersect.



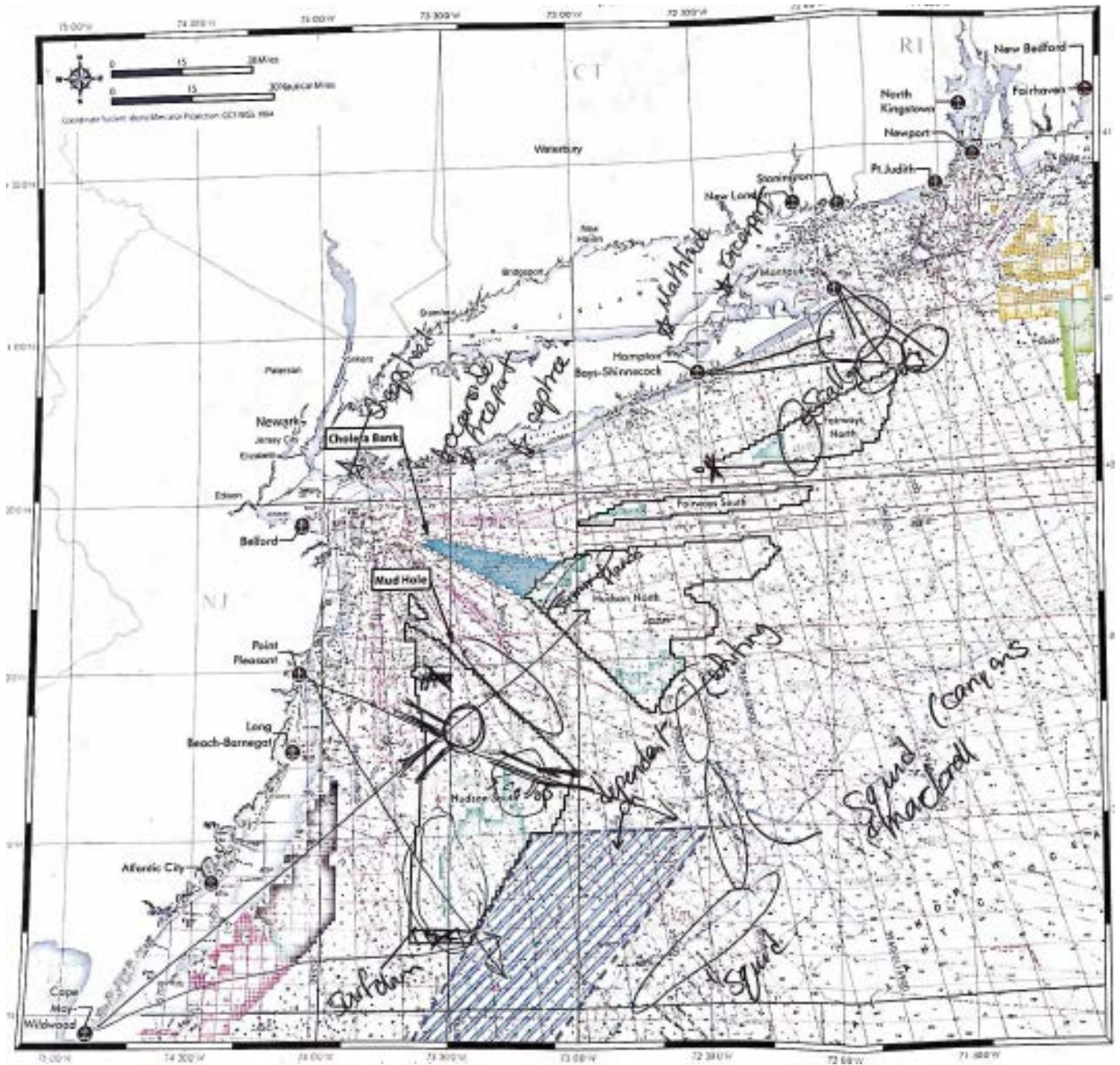


Figure 11: Group 3 Transit Lane Map



## Group 4 Report-out

### Key Takeaways:

- **Added one line to the map.** They added a line from Shinnecock south for squid, fluke, or scallop fishing and noted it could also be angled more towards Montauk.
- **Limited fisherman input.** The group included only one fisherman so didn't want to make recommendations beyond the knowledge of the fisherman in the group.
- **Added a lane through Fairways north.** 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).



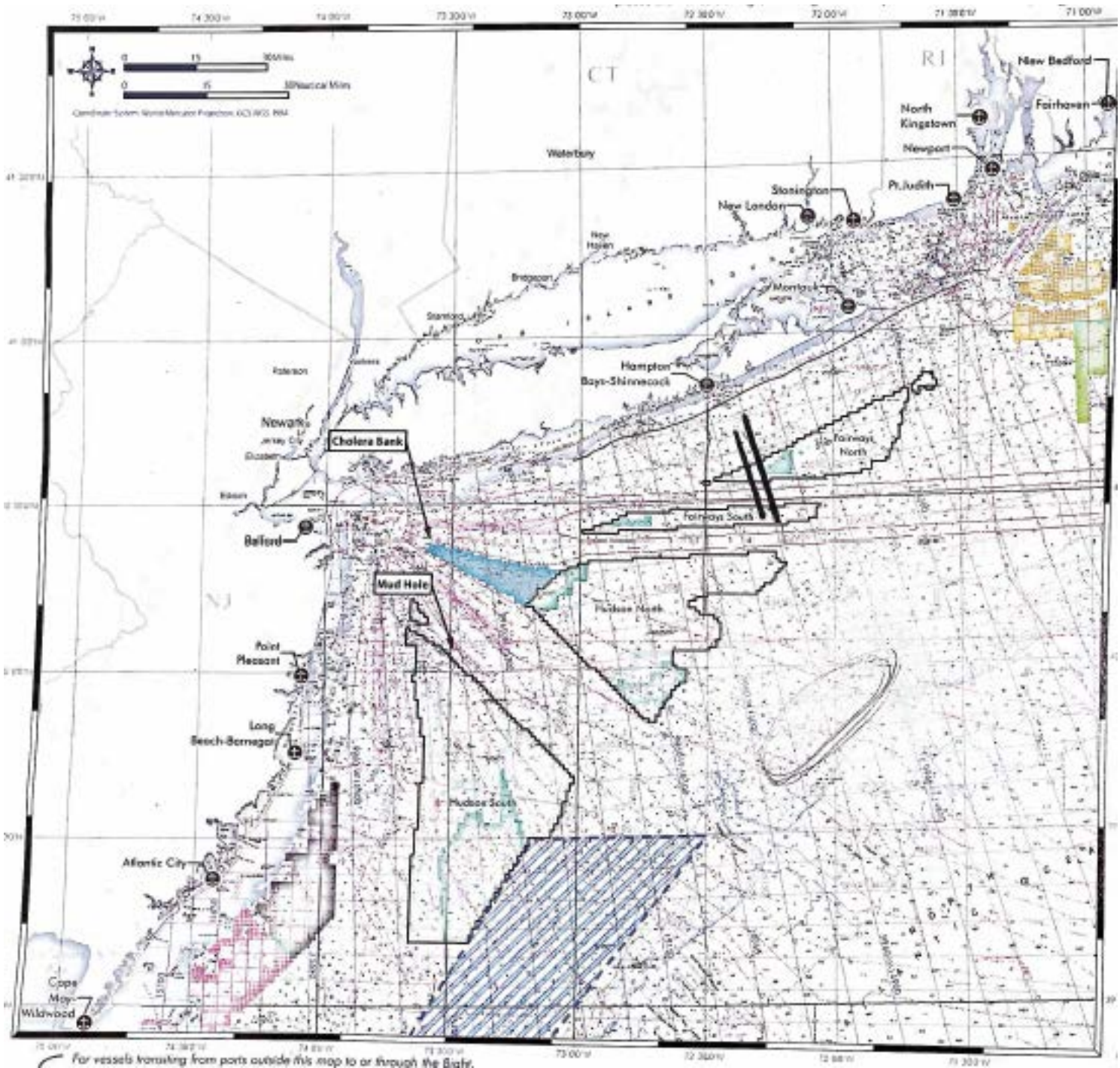


Figure 12: Group 4 Transit Lane Map

## Group 5 Report-out

### Key Takeaways:

- **Added fluke and scup lane.** 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.
- **Squid fishing ground.** The group added a large circle to note an important fishing ground for squid.
- **Group-limitations.** The group noted that they could only speak for fisheries and ports in their group in drawing the lanes.
- **Need more detailed map.** The group wanted to see a map with more detail and fathom lines to help identify fishing groups.
- **Added tug and tow lane.** They also added a tug and tow lane with dotted line. They noted that if the USCG moves forward with a tug and tow lane, a fishing transit lane could be suitable to the right of what is proposed.
- **Fishing vs. transit areas.** 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 USCG noted that they have not previously regulated who fishes in fairways.



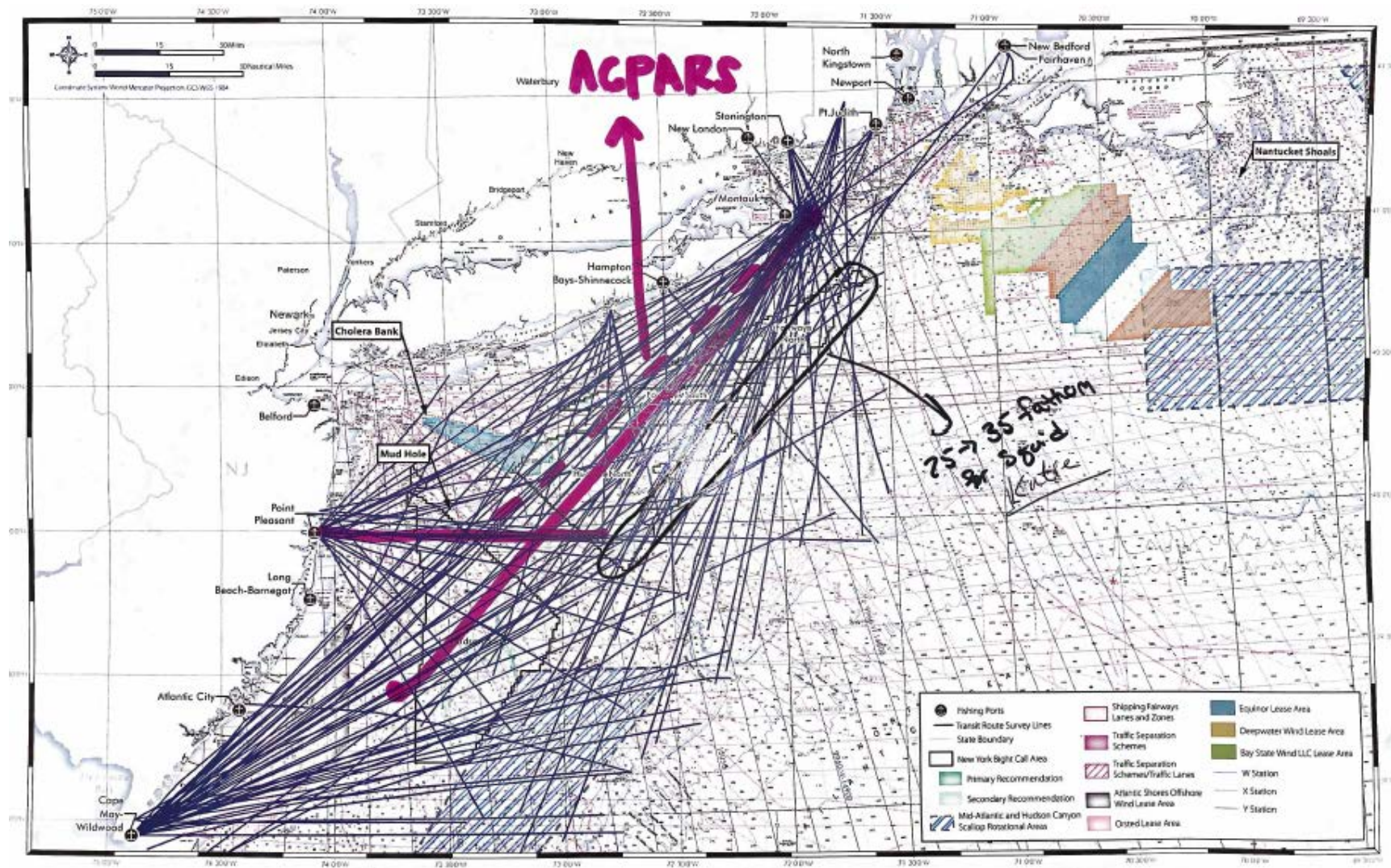
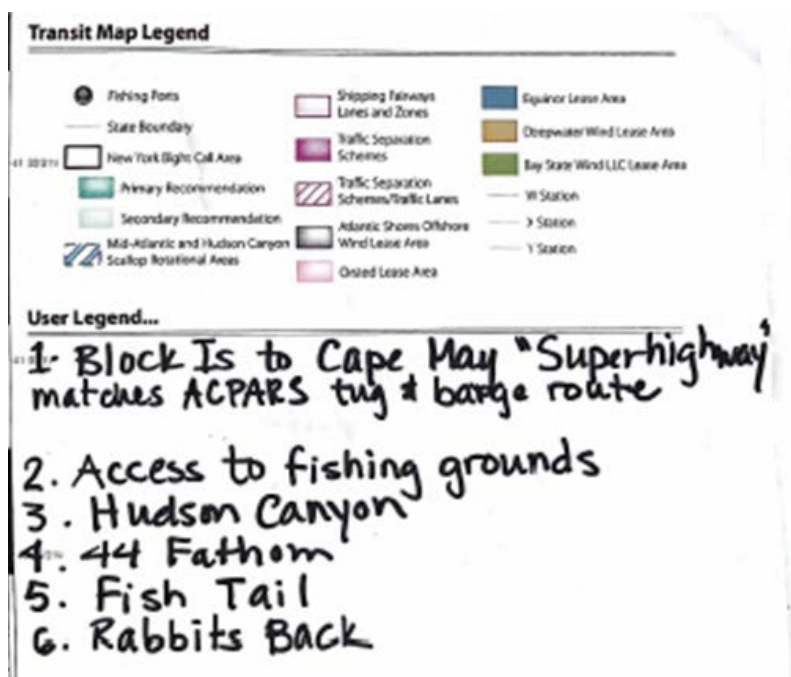


Figure 13: Group 5 Transit Lane Map and Legend

## Group 6 Report-out

### Key Takeaways:

- **“Superhighway”.** The group proposed a “Superhighway” from Block Island to Cape May that aligns with the USCG 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 scallop fishermen from outside the area looking for a straight route from port to grounds.
- **Added fishing group areas.** The group also labelled additional areas on the map as important fishing groups, including Hudson Canyon, 44 Fathom, Fish Tail, and Rabbits Back.
- **Multi-vector trips.** The group noted they did not have representation from all the ports in the group and multi-vector trips are a challenge (e.g. if they’re going port to port, port to fishing ground, or port to fishing ground and other port).
- **Include recreational fishermen.** Recreational fishermen should also be included in this effort as during the summertime, they will transit up to 10-12 miles offshore.





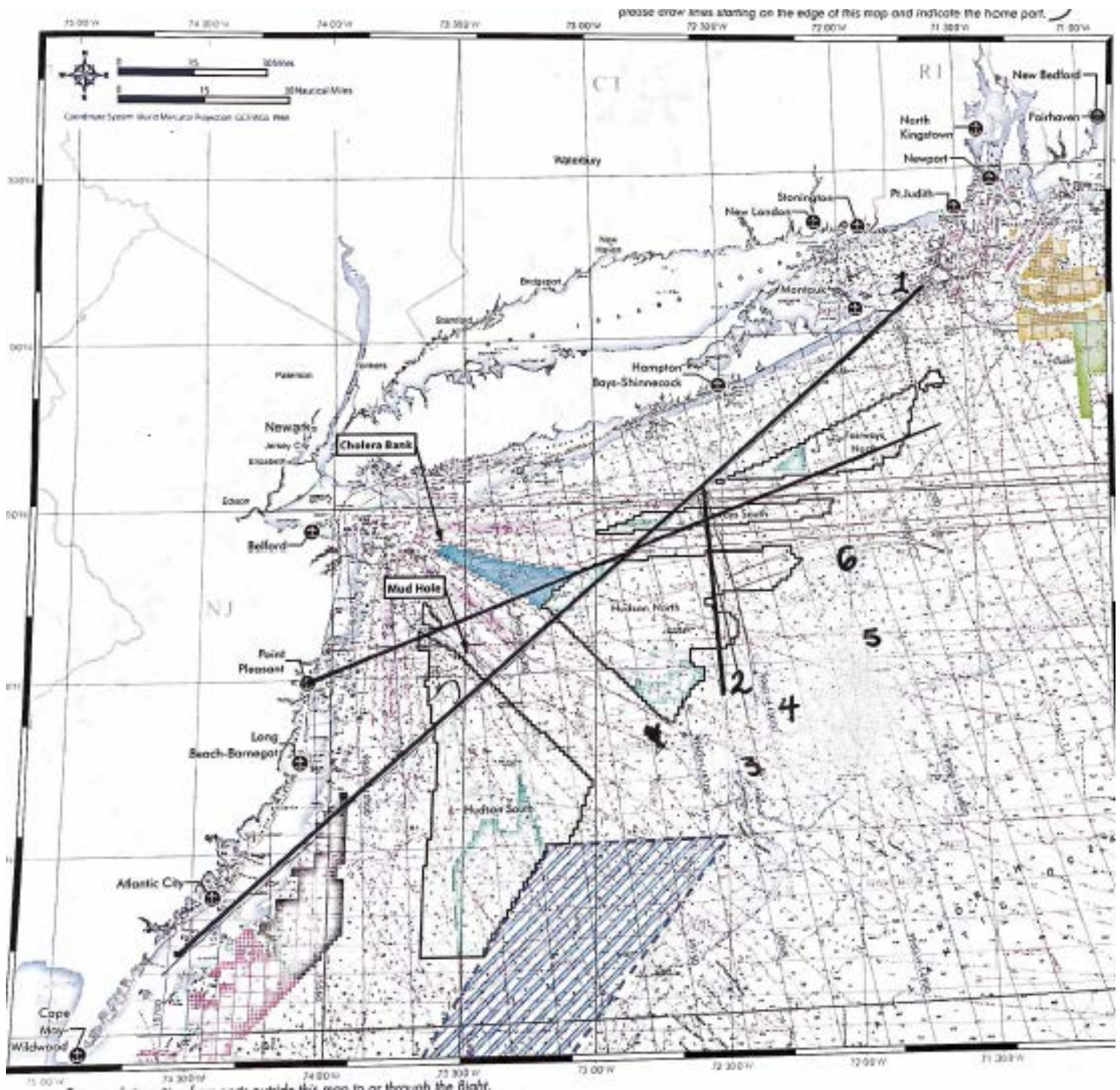


Figure 14: Group 6 Transit Lane Map and Legend



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## Group 7 Report-out

### Key Takeaways:

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





## Appendix 3: 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

#### Goals

- 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

#### Agenda

**8:30 Registration and Coffee**

**9:00 Welcome, Annie Hawkins, Responsible Offshore Development Alliance (RODA) and Morgan Brunbauer, DEC**

- Purpose and Intent of the Workshop
- Expected Outcomes and Next steps

**9:15 Introductions, Name and Affiliation**

**9:25 Agenda, Rules of Engagement, Goal, Patrick Field, CBI Facilitator**

**9:30 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 New York Bight Lease Area designations, Brian Hooker BOEM
- 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 of 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

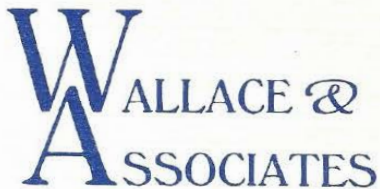
**4:30 Adjourn**

## Appendix 4: Workshop Attendee List

FIRST NAME	LAST NAME	AFFILIATION	FIRST NAME	LAST NAME	AFFILIATION
Melissa	Albino	Agency	Brian	Hooker	Agency
Katie	Almeida	Commercial fisherman	Ursula	Howson	Agency
Dave	Aripotoh	Commercial fisherman	Sherryll	Huber Jones	Agency
Michelle	Bachman	Other	Maureen	Johnson	Agency
Arianna	Baker	Agency	Lane	Johnston	NGO
Crista	Bank	Developer	Tom	Kehoe	Other
Michael	Bauhs	Commercial fisherman	Taylor-Lynn	Kunkle	Agency
Bonnie	Brady	Other	Pamela	Lafreniere	Agency
Morgan	Brunbauer	Agency	Gregory	Lampman	Agency
Josh	Buck	Agency	Kirk	Larson	Commercial fisherman
Merry	Camhi	NGO	Edward	LeBlanc	Agency
Doug	Christel	Agency	Julia	Lewis	Other
Karen	Chytalo	Agency	Carl	LoBue	NGO
Peter	Clarke	Agency	Julie	Lofstad	Commercial fisherman
Antoinette	Clemetson	Other	John	Maniscalco	Agency
Jessica	Coakley	Agency	Elizabeth	Marchetti	Developer
Fara	Courtney	Other	Kathleen	Marean	Other
Julie	Curti	Other	Joe	Martens	NGO
Maureen	Davidson	Agency	Fred	Mattera	NGO
Jessica	Dealy	Developer	Kate	McClellan Press	Agency
Michael	Decker	Commercial fisherman	Kim	McKown	Agency
Michele	Desautels	Agency	Chuck	Morici	Commercial fisherman
Stephen	Drew	Developer	John	O'Keeffe	Developer
Gina	Fanelli	Agency	Ruth	Perry	Developer
Daniel	Farnham	Commercial fisherman	Stephen	Pigeon	Agency
Pat	Field	Other	Wolfgang	Rain	Developer
Michael	Fogg	Other	Shaye	Rooney	NGO
Bill	Fonda	Agency	August	Ruckdeschel	Agency
Josh	Gange	Agency	Jennifer	Sheehy	Agency
Jim	Gilbert	Commercial fisherman	Nancy	Solomon	NGO
Benjamin	Goetsch	Commercial fisherman	Bret	Sparks	Other
Martin	Goff	Developer	Amanda	Stigliano	Other
Mark	Harrington	Other	Kevin	Walsh	Agency
Annie	Hawkins	Other	John	Williamson	Developer
Janna	Herndon	Agency	John	Windels	Commercial fisherman
Lyndie	Hice-Dunton	Other	Christen	Wittman	Developer



## Appendix 5: Additional Response to the Fall 2019 Second Survey



February 28, 2019

The New York State Department of Environmental Conservation  
New York State Energy Research and Development Authority  
Responsible Offshore Development Alliance

Re: Commercial Fishing Transit Lanes and Offshore Wind Energy in the New York Bight

Dear Sir or Madam:

Wallace and Associates (W&A) represents the vast majority of the surfclam and ocean quahog (SCOQ) industry harvesters. This includes forty (40+) Surfclam Ocean Quahog (SCOQ) vessels fishing out of the ports of Oceanside, NY, New Bedford MA, Fairhaven MA, Point Pleasant, NJ, Atlantic City, NJ, and Ocean City, MD. The clam industry is writing to comment on your request for feedback and data related to fishing vessels transiting throughout the New York Bight. A very large portion of the SCOQ fishery takes place within the NY Bight. The clam companies are concerned that any transit lanes through a wind energy lease must reflect the historical routes taken by clam vessels. Safety is the main priority for all routing decisions.

The clam industry vessels that W&A represents feel it is appropriate that only the United States Coast Guard (USCG) perform the needed analysis and modeling that accurately reflects vessel movements. Vessel interactions are critical to determine routing measures that are appropriate for all marine traffic. USCG is the appropriate agency to evaluate the changes in navigational safety risk resulting from different routing scenarios. We believe that the USCG is the only entity with the expertise to perform these analyses, and, BOEM should request the USCG perform all modeling and analysis concerning vessels transiting through wind farms. The clam industry's position is that having the USCG perform the modeling and analysis is the only way to ensure that a proper analysis is done, while considering all marine users, with vessel safety as its primary objective. Although a consensus between fishermen and wind energy developers might be seen as beneficial, it falls well short of the analysis necessary to site transit lanes through Wind farms in the New York Bight and southern New England for all vessels.

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