Fisheries Technical Working Group (F-TWG) Office Hours Summary

Monday, July 17, 2023, from 5:00 to 7:00 PM
Virtual Meeting

Background

This summary describes key discussion points and provides an overview of the third of four F-TWG sponsored office hour style meetings, held on Monday, July 17, 2023, through a virtual meeting platform.

The slides from the meeting presentation are available here: PowerPoint Presentation (nyftwg.com)

Goals for the meeting included:

- Provide an overview of Master Plan 2.0: Deep Water, and provide a forum for fishing stakeholders to engage, explore, and coordinate views and comments on the process.
- Adhere to our ground rules for an effective meeting (e.g., stay on track, let others speak, be respectful, and focus on the substance not the people).

Invitations were sent to representatives of fishing interests and fishing industry stakeholders. Fishing industry participants were encouraged to join throughout the 2-hour session to ask questions, make comments and suggestions, and participate in discussions. Stakeholders that attended represented both commercial and recreational fishing interests. Staff from New York State Energy Research and Development Authority (NYSERDA), Tetra Tech, the Consensus Building Institute (CBI), and the Cadmus Group were also present to provide technical, logistical, and facilitation support.

Attendees are referred to interchangeably as participants or stakeholders in the summary.

Rules of the Road, Purpose, and Intent

The meeting opened with a review of meeting ground rules, the goals of the office hour style meetings, F-TWG's mission, and a round of introductions. Morgan Brunbauer (NYSERDA) and Patrick Field (CBI) welcomed the group and underscored that the F-TWG is a forum for discussion between the commercial fishing community and offshore wind (OSW) developers to provide advice and input to New York State (NYS). The July 17th office hour meeting focused on the ongoing work Tetra Tech is doing as part of Master Plan 2.0 and provided a forum for input from fishing industry F-TWG members and other fishing industry stakeholders. Office hour meetings are currently intended as a forum specifically for stakeholders directly associated with fishing interests and provide a space for these stakeholders to express their concerns and ask questions about the Master Plan 2.0 process.

Review of Master Plan 1.0 and Master Plan 2.0

NYSERDA provided an overview of Master Plan 2.0: Deep Water as well as a review of Master Plan 1.0. Master Plan 1.0 was a planning process to understand how best to reach New York's previous clean OSW goal of 2.4 gigawatts (GW), which has since been increased to 9.0 GW. It sought feedback from many different stakeholders, including the fishing industry, and included approximately 20 studies that assessed a variety of concerns. The process outlined risks to environments, fisheries, and other issues related to areas of suitability for OSW.

The purpose of Master Plan 2.0 is to set an organizing principal for OSW that continues to advance past the 60-meter contour. It provides an opportunity for New York State to evaluate and characterize the risks and opportunities for OSW development in a comprehensive, sequential, and logical approach. The Master Plan 2.0 process seeks to identify areas in the region that are of greatest and least risk to environmental and fisheries resources and users, and to recommend to the Bureau of Ocean Energy Management (BOEM) areas or topics for further assessment. It is an approach focused on the regional level and is meant to capture feedback from fishing interests and other stakeholders. These office hour style meetings are part of this process to gather feedback from fishing interests, and the process is intended to assess whether there are gaps in data, or changes in fishing industry concerns regarding deep water OSW.

Area of Analysis (AoA) Depths and Floating Wind Footprint

The AoA is split into three zones at different depths. Zone 1 is closest to shore and includes a portion of the continental shelf. It extends from the 60-meter contour to the continental shelf break at 250 meters, has a depth range of 32-82 fathoms, and is approximately 12,040 square miles. Zone 2 spans the steeply sloped continental shelf break from 150-2,000 meters, has a deep range of 82-1,093 fathoms, and is approximately 6,830 square miles. Zone 3 extends from the continental shelf break out to 3,000 meters, has a depth range of 1,093-1,640 fathoms, and is approximately 16,800 square miles.

The majority of OSW in the AoA is anticipated to be floating installations. There are multiple prototypes of floating OSW platforms with different styles of anchoring and cable diameters. Floating OSW infrastructure includes a platform, anchoring lines, and inter-array cables.

Fisheries Within the AoA

Tetra Tech provided an overview of the synthesis of research which shows known potential target fisheries within the AoA, and the types of fishing equipment used in the AoA. The data is from the Northeast Ocean Data Portal, input on Master Plan 2.0 provided by the National Marine Fisheries Service (NMFS), and comments from the proposed Hudson Canyon Sanctuary. This is a high-level summary with a detailed study of the fisheries in the AoA, and there will be a thorough study as part of Master Plan 2.0 that will detail the recreational and commercial fisheries in these Zones. Tetra Tech asked if participants would like to include any additional fisheries or gear-types in this list.

Summary of Questions and Discussions

A participant wanted to emphasize that there is considerable commercial pelagic longline fishing in Zone 2 and Zone 3. There should be a distinction made going forward between bottom longline fishing interests and pelagic longline interests.

A participant also emphasized that the location of pelagic longline fishing occurs in Zone 2 and Zone 3 is influenced by oceanographic processes.

Synthesis of Comments

Tetra Tech provided an overview of a synthesis of existing comments from a variety of prior OSW efforts across a range of geographic areas. These comments focused on deep-water environmental concerns from the fishing industry, and included input from NYSERDA Master Plan 1.0, Gulf of Main Draft Call Area, Central Atlantic Draft Wind Energy Areas, Responsible Offshore Development Alliance (RODA) Research Priorities, the proposed Hudson Canyon Sanctuary, and other efforts. Comments identified

broad environmental concerns associated with floating OSW. 57 comments were reviewed, and all comments were from fishing industry representatives. The comments were grouped into 19 broad thematic categories, and the results were displayed in a table showing the number of comments by theme, highlighting the most common themes. Some specific comments made by NMFS regarding Master Plan 2.0 were highlighted, and related to:

- Concerns about impacts of OSW on the Cold Pool process (an annual band of cooler bottom water created by thermal stratification that facilitates the distribution of many species).
- Concerns about impacts of OSW on the Frank R. Lautenberg Deep-Sea Coral Protection Area and the Georges Bank Coral Protection Area, which comprise substantial portions of Zones 2 and 3.
- An emphasis on the importance of underwater canyons for fisheries.
- Concerns about impacts on shelf break habitats for marine mammals in Zones 1 and 2.
- A concern that Zone 3 habitat usage is not well known or studied.

Some of the most common identified concern themes across the 57 comments related to:

- Transit, which included comments focused on establishing routes specifically for vessels to transit through OSW lease areas.
- Navigational Safety, which included comments focused on the feasibility of vessels to safely navigate through a development area.
- Excluded fisheries, which included comments focused on the potential of deep-water OSW infrastructure to effectively exclude fisheries from operating in development areas.
- Infrastructure hazards, which included comments related to any operational safety concerns related to deep water OSW infrastructure.
- Inter-array cable depth, which included comments related to the need to determine the depths of inter-array cables to ensure consistency across the windfarm grid.
- Upwelling, which included comments specifically related to upwelling impacts.
- Oceanographic processes, which included comments related to a broad range of oceanographic processes.

Summary of Questions and Discussions

- A stakeholder agreed with NMFS concern that there is a lack of knowledge and studies around the benthic habitats in Zone 3.
- A participant asked if NMFS had concerns about cumulative impacts on species from already existing leases.
    - NMFS provided a set of more general comments that included cumulative effects and will likely provide more comments later on in the Master Plan 2.0 process and other appropriate comment periods.
- A participant inquired about the GW goal of OSW and asked what the current commitment is.
    - The current New York mandated goal is 9 GW, with there being about 4.3 GW contracted. NYSERDA is still evaluating bids from their third OSW Solicitation and is hoping to announce new contracts this summer. Initial language around 3rd Solicitation is to secure at least another 2 GW. The new contracts could potentially secure anywhere between 2 GW and 4.7 GW. Master Plan 2.0 is not designed to create a new goal for NYS. Any new goal will be informed by the NYS ClimateCouncil, which was developed as

part of the Climate Act of 2019 that set the original 9 GW goal. The Climate Council was tasked with determining if additional renewable energy goals were required to meet decarbonization threshold goals. There is a likelihood that the GW goal will go up based on needs to meet greenhouse gas reductions, and Master Plan 2.0 is intended as a proactive step in the approach by having conversations about what geography is suitable for OSW development and what should be taken off the table for consideration.

- A stakeholder asked to confirm that Master Plan 2.0 is not meant to inform unsolicited bids, but rather inform the BOEM process.
    - NYSERDA responded that the goal of Master Plan 2.0 is to make suggestions to BOEM, at end of this year or at the start of next year, about this large geographic area. It is intended to identify gaps and focus BOEM's attention on these topics. This process is time intensive and takes considerable effort to develop work products. Master Plan 2.0 is proactively trying to organize what is already known about the AoA and the possible impacts of deep-water OSW on fisheries and ecosystems.
- A stakeholder raised concerns about underwater noise and felt that it was under emphasized in the synthesis of comments.
- A stakeholder highlighted the important distinction between navigational safety for non-fishing fishing vessels and active fishing vessels. Once a ship deploys its fishing gear, it does not have the same operational capabilities as other vessels, this is an important distinction to understand when discussing navigation around OSW developments.
- A participant with extensive knowledge of pelagic longline fishing in Zone 2 and Zone 3 discussed the nature of this fishery. Anything outside of 100 fathoms in depth is an area for pelagic longline gear. This fishery is opportunistic and is heavily dependent on oceanographic processes and sea surface temperature patterns. It does not operate in a set geographic area but instead follows optimal water conditions. This has to do with warm eddies that break off of the gulf stream that drift west/southwest. The fishery shifts, both seasonally and day to day, as the water conditions change. Each boat deploys about 30 miles of free-floating gear, which remains in the water until it is fully retrieved the following day. This gear can drift significantly during this time, and it is essential to consider how the development of OSW in Zone 2 and Zone 3 will impact this style of fishing. It will be difficult for pelagic longline fishing interests to plan for these impediments given the non-specific geographic nature of the fishery, and the potential for drifting fishing gear. OSW developments in a given area will effectively create a significantly larger buffer area around it where pelagic longline fishing vessels would be at risk of having their gear drift too close to the arrays.
- There are about 50-60 active permitted pelagic longline fishing vessels. Some vessels operate seasonally, others work year-round, and some are opportunistic and may not be active in a given year depending on water conditions. In addition, there are considerable differences in the geographic range these vessels cover. Some smaller vessels must stay close to their home ports, but other larger vessels can range up the entire eastern coastline, from the Canadian Line to the Gulf of Mexico. Pelagic longline vessels go where the favorable oceanographic conditions are occurring.
    - This feedback is deeply appreciated, and NYSERDA will reach out to acquire more information about the pelagic longline fishery and its concerns. This topic has been underexplored, and filling data gap is one of the goals of Master Plan 2.0

- A participant raised concerns about prioritizing the different comment themes against each other and ranking them. All of the comment themes are important, many are interrelated, and focusing on a relative ranking is not in the interests of fisheries. The primary concern should be the cumulative impacts of OSW development.
    - This is feedback NYSERDA has received and is deeply appreciated; this comment synthesis is meant as a tool to understand the concerns of varied interests. It is recognized that a lot of these topics are interwoven, and it is challenging to rank them in terms of importance.

Feedback from Office Hours 1 and 2

Tetra Tech provided an overview of the feedback from the first and second office hour style meetings. During these meetings, participants made a number of points and raised several concerns.

Key takeaways from Office Hour 1 included:

- The importance of all of the themes identified in the synthesis of the comments, ranking is not needed.
- The need to review the NOAA Proposed Hudson Canyon Sanctuary Comments. These were reviewed and included.
- Concerns around larval transport, the need to understand the relation of oceanographic processes and larval transport, and the possible impacts OSW development could have on it.
- The need to include themes from the New York Bite comments. These were reviewed and included discussions of important fishing grounds, transit corridors, OSW grid layouts, larval transport, navigational safety, the exclusion of fisheries, and the impacts on radar.
- The importance of understanding that floating OSW will have a considerably different footprint than fixed OSW, due to the presence of infrastructure in the water column (such as inter-array cables and anchoring systems). There is a floating OSW technical study that will be completed as part of Master Plan 2.0. This will be a high-level informational research project that will provide context for stakeholders to understand what the footprint of deep-water OSW could look like. NYSERDA recognizes there is currently an information gap about this technology.

Office Hour 2 takeaways included:

- The importance of considering the exclusion of fisheries, upwelling, and oceanographic processes when considering OSW development.
- The need for more information about which platform designs are most commonly used, and what depths the inter-array cables will be at.
- The need to include the input from FSF letters for the MA RFI and RI/MA EA that influenced the communication of information to remove scallop areas from the MA-RI wind energy areas.
- Discussions about lack of consideration of areas closer to shore for OSW development in NYS, which would have considerably less impacts on fisheries.
- Discussions about the type of mooring systems used by deep water OSW, and what kind of constraints these could have on fishing interests.
- A concern that Mid-Atlantic groups seem to be underrepresented in the Synthesis of Comments.
- An interest in the potential to install cell receivers on OSW infrastructure to extend cell service at sea.

- A sustained concern about the impacts of OSW developments on radar navigation, and the potential for collisions with OSW infrastructure.
- The need to include the pelagic longline fishing industry in discussions about deep water OSW development.

Summary of Closing Questions and Discussions

- A participant stressed that their greatest area of concern are the impacts on fishing in Zone 1. These concerns have been repeatedly raised during previous office hours and in previous forums. It is hoped that this input results in substantive change.
    - NYSERDA thanked the participant and deeply appreciates the frustration felt by fishing interests not having their input translated into substantial action. NYSERDA will continue to push for the priorities that are brought up on these calls, as concerns should be raised here and will help inform the recommendations to BOEM. There have been successes working alongside RODA to get BOEM to integrate plans for transit corridors in the New York Bight.
- A stakeholder asked for clarification about how many turbines would be required to meet the 9 GW goal.
    - NYSERDA responded that this will vary according to the type of turbine, some generate about 10 megawatts of energy annually, which would require about 900 turbines to meet 9 GW. 9 GW will likely be achieved mostly, or fully, with fixed OSW. However, it is anticipated that goals will continue to increase, with the purpose of Master Plan 2.0 being to start the discussions and gather the relevant data to inform conversations about development further offshore ahead of any decision-making process.
    - NYSERDA advocates for the maximum amount of space between near-shore OSW developments, to leave the most room for other interests in the areas of development. This is likely to change when making considerations for deep-water OSW. Due to inter-array cables that are suspended in the water column, there may be reasons to put the floating turbines as close together as possible, to minimize impacts on fisheries.
- Stakeholders agreed with the assessment that floating OSW should be situated as closely as possibly to each other, in order to minimize the exclusion areas for fisheries.
- A participant asked about underwater noise and if gravity bases have been considered as turbine foundations.
    - NYSERDA responded that they are advocating for quiet foundation installation techniques, including gravity bases. The Environmental Technical Working Group is doing work to understand what kind of measures could be used to reduce noise from construction. There is not a specific decibel levels, but mitigation measures are an active part of the Technical Working Groups workstreams.
- A participant reiterated the importance of Zone 1 considerations for scallop fishing interests and asked for it to be included in the review of previous office hours.
    - NYSERDA has added this to the listed takeaways from the office hour meetings.
    - There will be a Technical Memo that covers all the information from the office hours and the research that has been included in these presentations. It will be ready by late fall or the end of year. BOEM has not put out any schedule for New York Bight Round 2

discussions. F-TWG members will likely see comments for the report and technical memo in September, which will be made public after the meeting.

- A stakeholder inquired about whether developers are required to fund mitigation if fisheries are displaced and there is loss of income. The stakeholder went on to ask which actor in New York would be the signing party for an OSW contract.
    - NYSERDA supports the idea of the mitigation hierarchy: First avoid, second minimize, third mitigate, and fourth compensate. New York was the first to include environmental and fishery mitigation plans which are intended to have developers identify survey apparatuses, data collection and sharing techniques, and communication plans walking through impacts and how they will be addressed. New York is working with 11 other states, developers, and interest groups to develop a regional compensation framework to bring transparency, consistency, and equity across the region for compensation that accounts for losses associated with OSW. The internal regulatory structure within NYS does not allow for the same kind of compensation considerations possible in other states and is being approached at the regional level.
    - NYSERDA is the signing party for OSW contracts. This is different to other states, and NYS is working with the other states to explore the possibilities of the regional compensation plan.
- A participant recommended that the fact that Master Plan 2.0 is not going to generate unsolicited bids, but rather inform the BOEM process should be emphasized at the start of these office hour style meetings, because this is an important point of contention.
    - NYSERDA appreciates this feedback, noting this will be frontloaded in the presentation moving forward.

Next Steps

- NYSERDA and Tetra Tech will continue with their Master Plan 2.0 Fisheries Engagement Approach and will continue to hold facilitated monthly listening sessions and informal office hours for F-TWG fishing representatives and other fishing industry stakeholders.
- Tetra Tech will incorporate the feedback and input from this meeting into ongoing research and data gathering efforts.
- The next office hour meeting will be held on August 15th, 2023, from 6:00 – 8:00pm (EDT).