



July 16, 2021

Mr. Jerry Barnes
Capt. Maureen Kallgren
Fifth Coast Guard District

Dear Mr. Barnes and Capt. Kallgren,

Please accept these comments from the Mid-Atlantic and New England Fishery Management Councils (the Councils) on the request for comments on the draft Port Access Route Study (PARS) report for the Approaches to Chesapeake Bay.

The Mid-Atlantic Council manages more than 65 marine species¹ in federal waters and is composed of members from the coastal states of New York through North Carolina (including Pennsylvania). The New England Council manages 28 marine species and is composed of members from Maine to Connecticut. Fishing activity for all Mid-Atlantic and some New England Council-managed commercial and recreational fisheries occurs within the study area for this PARS. Marine fisheries are profoundly important to the social and economic well-being of Mid- Atlantic and New England communities and provide numerous benefits to the nation, including domestic food security.

Offshore Wind Energy

The Councils strongly support the Coast Guard undertaking this PARS and taking a comprehensive regional approach that considers both present and potential future navigation needs among its study objectives. Our greatest concern for future changes in navigation relates to offshore wind energy development. Wind energy development off the U.S. east coast is advancing at a rapid pace. The Councils support policies for U.S. wind energy development that will sustain the health of marine ecosystems and fisheries resources. Such development must minimize risks to marine ecosystems and fisheries.² The Councils have concerns about the potential for conflicts between fisheries and large-scale offshore wind projects. The study area for this PARS includes all or part of three wind energy lease areas: a small part of OCS-A 0490, where the U.S. Wind MarWin project is planned; all of OCS-A 0483, where the commercial scale Coastal Virginia Offshore Wind project is planned; and all of OCS-A 0508, where the Kitty Hawk Wind project is planned.

Our specific concerns regarding navigation and offshore wind energy development include: 1) the ability of commercial and recreational fishing vessels to continue to safely fish in and transit through and around the wind energy areas; 2) the continued operation of fisheries-independent surveys

¹ 15 species are managed in specific fishery management plans. More than 50 additional species are managed as ecosystem components across all fishery management plans.

² The Mid-Atlantic Council's policy on offshore wind energy development is available at <https://www.mafmc.org/actions/offshore-energy>. The New England Council's policy is nearly identical.

conducted by the National Marine Fisheries Service, states, and other entities; and 3) the safe and effective conduct of search and rescue operations.

The draft report concludes that “the increased risk of collision or allision expected in the future as shipping traffic maneuvers around offshore developments is best mitigated by a combination of IMO resolutions (precautionary area and two-way route) and shipping safety fairways found above. The Fifth Coast Guard District recommends the Coast Guard Office of Navigation Systems (CG-NAV) incorporate these alternatives into the ANPRM for fairways and propose they be established by an IMO resolution.” We support the Coast Guard recommending routing measures that reflect anticipated changes in navigation due to offshore wind energy development, and the proposed measures appear reasonable. However, we are concerned that sufficient consideration does not appear to have been given to navigation within, in addition to around, future offshore wind energy installations.

The draft PARS document suggests that, based on current use patterns shown in available data, commercial fishing vessel operators will not be significantly impacted by, and may navigate to avoid, wind energy installations. It also suggests that recreational fishing activity within these areas may increase, which may lead to an increase in search and rescue events. The document concludes that no additional routing measures beyond those listed above are necessary to address safe navigation of commercial and recreational fishing vessels in relation to wind energy installations. We believe it is an important role of the Coast Guard to issue guidance on the layout of wind turbine arrays (e.g., minimum spacing between turbines, regularity of array design) to ensure safe navigation through these areas, not just around them, for fishing, transit, and search and rescue operations. There is precedent for such an approach, as it was used in the recently published Areas Offshore of Massachusetts and Rhode Island Port Access Route Study (85 FR 31792). These recommendations will be very important for the Bureau of Ocean Energy Management and wind developers to consider. These considerations may vary based on regional differences in navigation patterns; therefore, it is appropriate to consider this issue through this PARS.

Page 34 of the draft document states: “It was suggested that fixed pot fishers may utilize the areas within future wind turbine fields to prevent gear loss or damage from ship strikes.” This is contradictory to other statements made in the document suggesting that commercial fishermen will avoid wind energy installations. In addition, we have not heard this suggestion in any of our conversations with fishermen in this region. Some local pot/trap fishermen have told us they may change their fishing locations if availability of target species changes (either increases or decreases) as a result of wind turbine installation; however, they are unlikely to change their fishing patterns based only on the potential for gear loss.

We are concerned that the draft document does not address search and rescue operations within wind turbine arrays in greater detail. For example, the Areas Offshore of Massachusetts and Rhode Island Port Access Route Study (85 FR 31792) included a much greater level of detail on search and rescue operations within wind turbine arrays (e.g., a discussion of potential effects on helicopter operations considering planned spacing of 1 nautical mile between turbines). It is not clear why this level of detail is not included in this draft PARS. This issue could be particularly important given the draft PARS document notes that there could be an increase in search and rescue cases from a potential increase in recreational fishing due to the anticipated wind turbine reef-effect. In the context of search and rescue,

we recommend consideration of recent discussions about the effects of wind turbines on radar coverage, including high frequency radar used for search planning. The Department of Energy and Department of Defense's Wind Turbine Radar Interference Mitigation Working Group has provided an important forum for understanding these issues.

There is no indication that fisheries-independent survey vessels and their needs for navigation and transit, especially in relation to offshore wind energy installations, were considered as part of this draft report. Fisheries-independent surveys are extremely important for fisheries management and have different navigational patterns and needs than commercial fisheries and other navigational activities described in the draft document. We recommend that the Coast Guard reach out to the Northeast Fisheries Science Center to better understand and address the needs of fisheries-independent surveys.

Available Data on Commercial and Recreational Fishing Activity

This PARS should consider all available data to understand patterns of commercial and recreational fishing vessel activity in the area. This includes not only automatic information system (AIS) data, but also vessel monitoring system (VMS), vessel trip report (VTR) data, and fisheries observer data. Each of these data sets have limitations, which must be explicitly considered and acknowledged in the PARS. For example, data on fishing and transiting locations derived from VMS, AIS, and VTRs do not account for all fishing activity in the area. Specifically, smaller vessels, vessels which only operate in state waters, and private recreational anglers are under-represented and/or completely missing from these data sets.

The PARS report should provide more detail on the types of fishing activity within the PARS area as a whole, as well as within the wind lease areas. For example, the draft document suggests that interviews with local captains were the primary source of information on commercial fishery gear types used in the area. Page 34 of the document states "commercial fishing predominant in the study area includes gill netters who operate between five and 13 miles offshore and fixed pot fishers that operate seasonally." We agree that information from local fishing stakeholders is invaluable and is necessary to complement available data. However, stakeholder input should not be the only source of information used to assess gear types. Our examination of VTRs submitted to the NOAA Fisheries Greater Atlantic Regional Fisheries Office during 2010-2020 suggests that in fact bottom otter trawls accounted for most commercial landings in the statistical areas that intersect with this PARS area (38%), followed by purse seines (31%), sea scallop dredges (9%), and sink gill nets (8%). Most commercial landings reported on VTRs in these statistical areas were of menhaden (32%), *Illex* squid (28%), sea scallops (12%), and loligo squid (6%). However, when considering only the statistical area that overlaps with the lease areas for the Coastal Virginia Offshore Wind and Kitty Hawk Wind projects, VTR data suggest that most commercial landings are caught with sink gill nets, followed by bottom otter trawls and pots targeting various fish or shellfish.

The draft document lacks detailed information on recreational fishing in the area. According to VTR data for 2010-2020, black sea bass accounted for most recreational harvest by federally-permitted for-hire vessels in this PARS area (36%), followed by Atlantic croaker (33%), blueline tilefish (6%), bluefish (5%), and summer flounder (4%). Nearly all recreational fishing in the PARS area uses hook and line gear.

The Marine Recreational Information Program should be consulted for the best available data on recreational fishing from private vessels. The NOAA Fisheries Southeast Regional Office should be

consulted for data on commercial and for-hire recreational fisheries permitted through their office which may not be accounted for in the percentages listed above.

Stakeholder input should be collected through a variety of channels to address the data gaps listed above for both commercial and recreational fishing data, including in-person workshops and meetings, webinars, online comment forms, written communications, and phone calls. Some stakeholders feel most comfortable providing input in person. We urge the Coast Guard to hold in-person meetings with commercial and recreational fishing stakeholders if possible.

Conclusion

The Councils look forward to working with the Coast Guard to ensure that future changes in routing measures minimize impacts to the marine environment and can be developed in a manner that ensures coexistence with our fisheries.

Sincerely,



Christopher M. Moore, PhD
Executive Director, Mid-Atlantic Fishery Management Council



Thomas A. Nies
Executive Director, New England Fishery Management Council

cc: M. Luisi, J. Beaty