

Thomas Dameron  
Last Tow, LLC

April 2, 2024

Re: Offshore Wind Fisheries Compensation Programs and Data Needs  
Vineyard Wind 1 fisheries compensatory mitigation program

Dear MAFMC Council, Staff, NOAA Fisheries, and Vineyard Wind 1 Representatives,

Last Tow, LLC is a marine consultancy firm that has conducted several spatial analyses using proprietary fishery-dependent data to characterize the historical use of wind energy lease areas (WEAs) by commercial fishing vessels. This data, requested from NOAA's National Marine Fisheries Service (NMFS) and Office of Law Enforcement (OLE), includes Vessel Monitoring System (VMS), Dealer Reports (DLR), clam logbook dealer report (CLOG-DLR), Vessel Trip Reports (VTR), and clam logbook vessel trip reports (CLOG-VTR). The CLOG reports cater to the Atlantic surfclam and ocean quahog industry. These datasets enable vessel owners to: 1) identify when their vessels operated within any WEAs using VMS data; 2) ascertain the species caught, quantity retained, and the dealers to whom the catch was sold using VTR data; and 3) determine the catch's market value using DLR data. Together, these datasets allow permit owners to compile substantial evidence of their eligibility for the Vineyard Wind 1 and other compensation programs.

Regrettably, processing these data requests is time-consuming. Four permit owners submitted requests in August and September, anticipating a BOEM research project and a WEA spatial analysis using their data. While two owners have received their VTR and DLR data, one has received only about half of his data, and the last has received none. Additionally, none have received VMS data due to two released datasets that were in formats that did not meet the owners' needs. This situation marks the second time these owners have faced delays in obtaining properly formatted data. We have yet to receive a clear timeline from NOAA OLE for the completion of the VMS data requests. Regrettably, the database specialist that previously handled our requests in 2021 has transitioned to another role within NOAA.

The application deadline for Vineyard Wind 1 is markedly unreasonable for permit owners dependent on NOAA's fishery-dependent data to investigate if submitting an application would

be justifiable and to subsequently establish their eligibility for compensation. Moreover, the requirement to demonstrate historical use of the Vineyard Wind 1 lease area as a criterion for compensation fails to consider that species distributions within these WEAs can and do change over time. Species once harvested within a WEA may find the habitat unsuitable, while others not previously harvested there may move in.

Regards,

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