



August 23, 2022

Michelle Morin
BOEM Office of Renewable Energy Programs
45600 Woodland Road
Sterling, Virginia 20166

Re: Draft environmental impact statement for Ocean Wind 1 project off New Jersey

Dear Ms. Morin,

Please accept these comments from the Mid-Atlantic Fishery Management Council (Mid-Atlantic Council) and the New England Fishery Management Council (New England Council) regarding the draft environmental impact statement (DEIS) for the Ocean Wind 1 project off New Jersey. The DEIS analyzes the potential environmental impacts of the project as described in the Constructions and Operations Plan (COP) (i.e., the proposed action), as well as the impacts of four alternatives to the proposed action, and a no action alternative. After considering comments received through this comment period, BOEM will publish a final environmental impact statement (FEIS), anticipated in March 2023. The FEIS will inform BOEM's decision to approve, approve with modifications, or disapprove the COP, anticipated in April 2023.

The Mid-Atlantic Council manages commercial and recreational fisheries for more than 65 marine species¹ in federal waters and is composed of members from the coastal states of New York to North Carolina (including Pennsylvania). The New England Council manages over 28 marine fishery species in federal waters and is composed of members from the coastal states of Maine to Connecticut. In addition to managing these fisheries, both Councils have enacted measures to identify and conserve essential fish habitat (EFH), protect deep sea corals, and sustainably manage forage fisheries. The Councils support policies for U.S. wind energy development and operations that will sustain the health of marine ecosystems and fisheries resources. While the Councils recognize the importance of domestic energy development to U.S. economic security, we note that marine fisheries throughout the Mid-Atlantic and New England, including within the US Wind project area and in surrounding areas, are profoundly important to the social and economic well-being of communities in this region and provide numerous benefits to the nation, including domestic food security.

General Comments

Given the current pace of offshore wind energy development in this region, we are unable to provide a thorough and detailed review of each individual project. For example, this comment period overlapped with four other wind energy comment periods of interest to our Councils. The analysis in the DEIS has important ramifications for terms and conditions which may be implemented through final project approval, including fisheries mitigation and compensation measures. However, at 1,408 pages (including appendices), we were unable to review the DEIS in detail given other priorities and constraints on staff time. With this in mind, we strongly encourage BOEM to consider the

¹ Fifteen species are managed with specific Fishery Management Plans, and over 50 forage species are managed as "ecosystem components" within the Mid-Atlantic Council's FMPs.

recommendations listed in the wind energy policies adopted by both Councils, which apply across all projects.² Our two Councils worked together on these policies and adopted the same policy language.

We also urge BOEM to adopt the recommendations provided by NOAA Fisheries for this project, including recommendations regarding data considerations, impacts analysis, and ways to minimize the negative impacts of this project on marine habitats, commercial and recreational fisheries, and fishery species.

Alternatives to Meet the Purpose and Need

The DEIS includes five action alternatives. Alternative A is the proposed action and includes up to 98 wind turbine generators and up to 3 offshore substations with two export cable route corridors. Alternative B includes sub-alternatives to remove up to 9 or up to 19 turbine locations (depending on the sub-alternative) nearest to coastal communities to reduce visual impacts. Alternative C would remove or relocate 8 wind turbine locations to establish a buffer between this project and the neighboring Atlantic Shores South project. Alternative D would remove up to 15 wind turbine locations from sand ridge and trough habitat in the northeastern portion of the lease area. Alternative E would limit the export cable route to one of the two proposed locations to minimize impacts to submerged aquatic vegetation (SAV).

We appreciate that Alternatives B-E include specific proposed layouts, including indication of which turbine locations would be removed or how the layout would otherwise be modified. This is an improvement over the South Fork Wind DEIS which included a fisheries habitat impact minimization alternative but did not specify how many or which turbine locations would be considered for micro-siting or removal.

The Ocean Wind 1 DEIS includes a lengthy purpose and need section. We recommend that the FEIS include a short purpose and need statement supported by additional background information. The purpose and need statement should indicate that renewable energy goals should be met while also avoiding risks to the health of marine ecosystems, ecologically and economically sustainable fisheries, and ocean habitats. To the extent that these risks cannot be avoided, they should be minimized, mitigated, and compensated for.

We are concerned that including the New Jersey Board of Public Utilities procurement of 1,100 MW as a component of the purpose and need limits BOEM's ability to approve a smaller project than that proposed by the developer. This will limit BOEM's ability to avoid and minimize negative impacts of the project while still meeting the purpose and need. In addition, the DEIS does not indicate if all action alternatives can generate 1,100 MW of electricity either independently, or when combined. For example, it appears that under a combination of Alternatives B, C, and D, the number of turbines would be reduced from 98 to as few as 61. Without knowing the minimum number of turbines necessary to meet the purpose and need, it is challenging to provide recommendations on how Alternatives B through E should be combined, either partially or to their full extent.

² Available at https://www.mafmc.org/s/MAFMC_wind_policy_Dec2021.pdf

Impacts of Alternatives and Recommendations for Preferred Alternatives

As described in the DEIS, the action alternatives are expected to have the following impacts that are of concern to our Councils:

- Negligible to minor adverse impacts (Alternative D) or negligible to moderate adverse impacts (Alternatives A, B, C, and E) on benthic resources due to cable laying, pile-driving noise, anchoring, and the presence of structures, as well as moderate beneficial impacts due to the presence of new structures. These impacts would vary by species.
- Minor to major adverse impacts on commercial fisheries and for-hire recreational fishing due to potential disruptions to fishing operations. (We recommend removal of the term “potential” as some fishing operations will be disrupted.) Although these impacts may be lesser in magnitude under Alternatives B-E, compared to Alternative A, the impact level of minor to major adverse is the same across Alternatives A-E.
- Negligible to moderate adverse impacts for finfish, invertebrates, and EFH due to noise, disturbance, displacement, habitat conversion, behavioral changes, injury, and mortality, depending on the species. BOEM expects that many of these impacts may be minor in the long-term as species may recover naturally over time after construction is complete. In addition, some species may benefit from the artificial reef effect. Although these impacts may be lesser in magnitude under some alternatives, the impact level of minor to major adverse is the same across Alternatives A-E.
- Major adverse impacts for navigation and vessel traffic due to changes in navigation routes due to the presences of turbines, substations, and cables, as well as delays in ports, degraded communication and radar signals, and increased difficulty for offshore search and rescue missions. In addition, displaced fishing effort may move to other areas and increase congestion in some areas. Although these impacts may be lesser in magnitude under some alternatives, the impact level of major adverse is the same across Alternatives A-E.
- Minor adverse impacts for recreation and tourism (which includes private recreational fishing) due to increased navigational risk within the project area and minor beneficial impacts due to the reef effect.

In recognition of the wide range of adverse impacts on fisheries, fishery species, and habitats across all action alternatives as described in the DEIS, we recommend approval of a combination of Alternatives B-E to minimize the footprint of the project and therefore reduce the magnitude of adverse impacts.

Specifically, we recommend approval of a combination of Alternatives B-2 (remove up to 19 turbine locations to reduce visual impacts), Alternative C-1 (remove 8 turbine locations to create a buffer between this project and the Atlantic Shores South project – without compressing the layout to maintain the same number of turbines), Alternative D (remove all 15 turbine locations in sand ridge and trough habitat as identified under this alternative), and Alternative E (limit the export cable route traversing Island Beach State Park to the northern option to minimize impacts to SAV). As noted above, it is unclear if the full extent of each of these alternatives could be combined while achieving the purpose and need. If the full extent of these alternatives cannot be combined, we support approval of Alternatives D, E, and C prior to consideration of Alternative B as visual impacts are outside the realm of the mission of the Councils.

We strongly support all efforts to avoid impacts to SAV. The Mid-Atlantic Council has designated all native species of macroalgae, seagrasses, and freshwater and tidal macrophytes in any size bed, as well as loose aggregations, as habitat areas of particular concern (HAPC) for summer flounder. In defining this HAPC, the Council also noted that if native species of SAV are eliminated, then exotic species should be protected because of functional value; however, all efforts should be made to restore native species. SAV also provides important habitat for many other species.

Additional Terms and Conditions

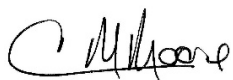
The recommendations outlined in our offshore wind energy policies, referenced above, should be reflected as terms and conditions for approval of the US Wind 1 project.

We provided a separate comment letter on the draft Guidelines for Mitigating Impacts to Commercial and Recreational Fisheries.³ We support many of the mitigation measures recommended in that draft guidance. We recommend that all final mitigation guidelines be reflected in terms and conditions for BOEM's approval of the Ocean Wind 1 project. For example, the project design envelope for Ocean Wind 1 includes burial depths of 4 to 6 feet for inter-array and substation interconnection cables. BOEM's draft fisheries mitigation guidelines recommend a minimum cable burial depth of 6 feet. Although the Councils have not endorsed a specific cable burial depth to minimize impacts to fisheries, we strongly support the draft guidance recommending a minimum burial depth of 6 feet. We recommend that BOEM not approve any cable burial depths of less than 6 feet for US Wind 1 or any other wind projects.

Conclusion

We appreciate the opportunity to provide comments to ensure that issues of social and ecological importance are considered in the final EIS for Ocean Wind 1. We look forward to working with BOEM to ensure that wind development in our region minimizes impacts on the marine environment and can be developed in a manner that ensures coexistence with our fisheries. Please contact us if you have any questions.

Sincerely,



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



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

cc: J. Beaty, M. Luisi, W. Townsend

³ Available at <https://www.mafmc.org/correspondence>.