Mid-Atlantic Fishery Management Council
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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: August 1, 2023

To: Chris Moore, Executive Director

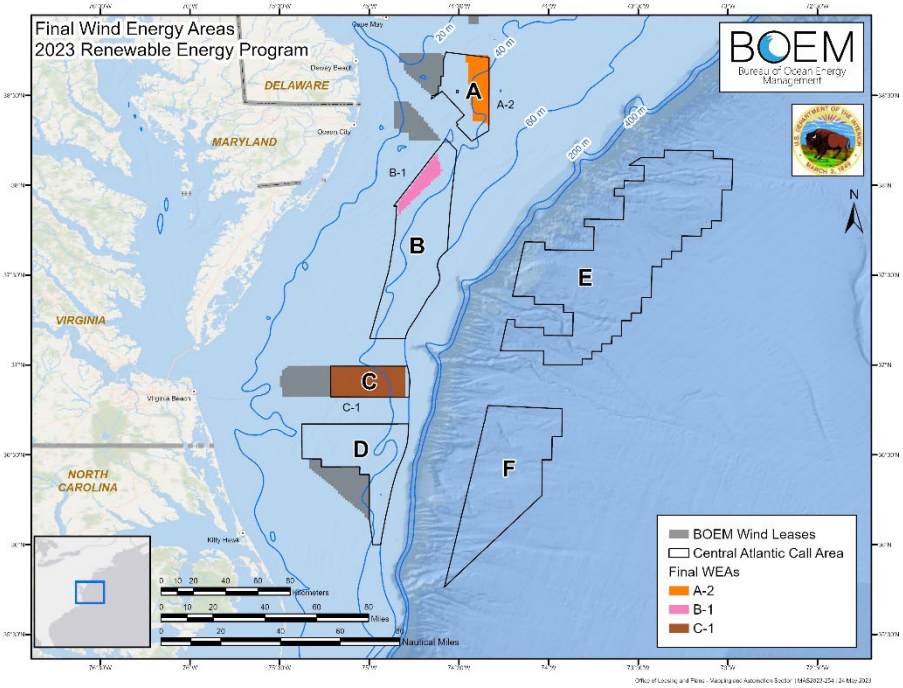
From: Julia Beaty, staff

Subject: Additional Updates on Offshore Wind Energy Development

The briefing materials for the August 8-11, 2023 Council meeting include a memo, dated July 27, 2023, with updates on offshore wind energy development. This memo provides additional updates not included in the July 27 memo.

Final Central Atlantic Wind Energy Areas

On July 31, 2023, the Bureau of Ocean Energy Management (BOEM) announced three final wind energy areas (WEAs) off Delaware, Maryland, and Virginia. These WEAs will be further refined into lease areas. BOEM also released a notice of intent to prepare an environmental assessment for potential issuance of leases, as well as site assessment and site characterization activities within the three WEAs. The notice of intent has a public comment period which ends August 31, 2023. Mid-Atlantic and New England Council staff will prepare a joint comment letter.



As shown in the map to the right, the final WEAs are substantially smaller than the Call Areas. They are also substantially smaller than the draft WEAs (not shown on the map). The final WEAs also avoid overlap with the Frank R. Lautenberg Deep Sea Coral Protection Zones,

as recommended by the Council.[1]

Call Areas E and F overlap with the coral protection zones. A BOEM memorandum describing identification of the final WEAs indicates that no WEAs were identified within Call Areas E and F due to consideration of Department of Defense activities, a NASA compatibility assessment, modeled coral and hard bottom habitat, and important areas for pelagic longline fishing. The memorandum states that BOEM is deferring recommending WEAs within the entirety of Call Areas E and F until further study can be completed on technological and cost viability of floating wind facilities in these deep waters, as well as further study of the Department of Defense, NASA, and coral considerations.

As described in the BOEM memorandum, fisheries and fish habitat conflicts remain within the three final WEAs. WEA A-2 has remaining conflicts for surf clam and scallop fishing areas, as well as sand ridge and trough complexes. WEA B-1 has remaining conflicts for fishing activities (based on VMS data for all fisheries), fisheries surveys, and vessel traffic. WEA C-1 has remaining conflicts for a NMFS-recommended 20 km conservation set back along the 100 meter contour on the shelf break, fisheries surveys, and an area with recently increased fishing effort (based on VMS data for all fisheries). These conflicts and potential mitigation measures can be further considered during the next steps for potential leasing and eventual consideration of constructions and operations plans for approval. There will be multiple public comment periods for these next steps.

Approval of Ocean Wind 1 Project off New Jersey

On July 5, 2023, BOEM announced the approval of the construction and operation of Ørsted's Ocean Wind 1 project off New Jersey. The approved alternatives allow up to 98 turbines, up to three offshore substations, and two export cable corridors. The cable route is required to avoid certain areas in Barnegat Bay to reduce impacts to submerged aquatic vegetation. BOEM did not approve an alternative that would have reduced impacts in certain areas with sand ridge and trough habitat, as recommended by the National Marine Fisheries Service (NMFS). Noteworthy required measures as detailed in the Record of Decision (ROD) are summarized below.

- **Direct compensation fund for commercial and for-hire fishing.** Ørsted must create a direct compensation fund for commercial and for-hire fishing. The fund amount must be sufficient to cover, at a minimum, 100% of average annual revenue exposure during construction, for one year after construction, and during decommissioning. The fund must cover 80% of average annual revenue exposure during the second year after construction, 70% during the third year, 60% during the fourth year, and 50% during the fifth year. Additional amounts after five years post-construction may be determined at a later date.
- **Shoreside fisheries support services compensation fund.** Ørsted must establish a compensation fund for shoreside fisheries support services, considering potential impacts to 21 specified ports from Maine through North Carolina. Additional details, including the fund amount, are to be determined at a later date.
- **Fisheries gear loss compensation.** Ørsted must make compensation for fisheries gear loss available to all impacted fishermen, regardless of homeport.

[1] Letter from MAFMC to BOEM on Central Atlantic Planning Areas and Coral Protection Areas (12/27/21)
MAFMC and NEFMC Letter to BOEM: Central Atlantic Call for Information and Nominations (6/28/22)
MAFMC and NEFMC Letter to BOEM: Central Atlantic Draft Wind Energy Areas (12/16/22)

- **Federal survey mitigation.** Ørsted must work with NMFS to develop a survey mitigation agreement for eight NMFS scientific surveys which overlap with this project.
- **Navigational safety fund.** Ørsted has committed to a navigational safety fund for navigation equipment upgrades. This is not a requirement implemented through the ROD. Rather, it is a voluntary measure on the part of Ørsted.
- **Cable burial and protection.** The export, interconnector, and inter-array cables should be buried to a minimum of four feet below stable seabed in federal waters. Secondary cable protection measures (e.g., concrete mattresses, fronded mattresses, rock bags, rock placement) must be used where a burial depth of four feet cannot be achieved. This must not exceed 10% of the total export cable length in federal waters or 10% along the interconnector and inter-array cable routing, excluding cable crossings and approaches to foundations.
- **Fisheries monitoring** will be required before, during, and after construction. Details on the timing and duration are not specified in the ROD.
- **Benthic habitat monitoring and protection.** The ROD includes several measures related to monitoring and potentially reducing impacts to benthic habitat.
    - Ørsted must attempt to microsite turbines to avoid or minimize impacts to high relief sand ridge and trough complex areas, complex habitat, and boulders >=0.5 meters, as technically and/or economically feasible or practical, while maintaining the required grid array layout spacing.
    - Multibeam backscatter monitoring is required at periodic intervals for the life of the project at five specific turbine locations to monitor for physical changes to sand ridge and trough habitat in those areas.
    - If Ørsted chooses to construct fewer than the maximum allowable 98 turbines, they must prioritize removal of certain specified turbines in sand ridge and trough habitat.
    - Relocated boulders must be placed as close as practicable to areas immediately adjacent to existing similar habitat. Relocation must minimize the amount of obstructions that could be created in areas where bottom trawl fishing occurs. Boulder relocation must be communicated to mariners in a timely manner.
    - If berms are created through cable laying, Ørsted must take steps to restore created berms to match adjacent natural bathymetric contours, as technically and/or economically feasible.
    - The ROD includes measures to reduce anchoring in sensitive habitats.
    - The ROD includes requirements for the types of scour protection materials for turbine and offshore substation foundations to allow for epibenthic growth, reduce hangs for fishing gear, and reduce impacts to complex habitat.
- **Measures to reduce noise impacts.** Pile driving and unexploded ordinance (UXO) detonation (if applicable) will be prohibited during January 1 – April 30 to minimize impacts protected species. This could also have some fisheries benefits. Noise abatement

systems, (e.g., bubble curtains) must be used during pile driving and UXO detonation (if applicable) to reduce sound pressure to specified levels. Soft start protocols are required for pile driving. UXOs may be detonated only if no other means of removal are practical.

FEIS for Revolution Wind

On July 17, 2023, BOEM announced the availability of the Final Environmental Impact Statement (Final EIS) for the proposed Revolution Wind Farm project offshore Rhode Island. The FEIS will inform BOEM's decision regarding approval of this project. A ROD is expected later this summer.