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DIVISION OF MARINE FISHERIES
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TO: Dr. Walter Cruickshank, Acting Director of the Bureau of Ocean Energy Management
FROM: Jason McNamee, Chief of Marine Resources
DATE: July 11, 2018
SUBJECT: Comments on the Commercial Leasing for Wind Power on the Outer Continental Shelf in the New York Bight—Call for Information and Nominations [Docket No. BOEM-2018-0004]

Staff at the Rhode Island Department of Environmental Management (RIDEM) Division of Marine Fisheries (DMF) have reviewed the Call for Information and Nominations and offer the following comments.

Comments on the Call Areas:

- The draft Call Areas include demonstrably significant fishing grounds particularly for the sea scallop ocean quahog/surflclam fisheries, squid/mackerel, and monkfish fisheries. Therefore, consideration should be given to minimize those obvious conflicts by removing portions of the Call Areas with significant fishing activities. The main fisheries concerns are:
 - There is substantial overlap with the scallop fishery.
 - Based on DEM VMS analysis of the NY Call Areas, all four sites appear to be utilized by the scallop industry (refer to Figures 1 and 2).
 - The DEM VMS approach was spatially data deficient for the Hudson South site, but there is still clear fishing activity in the northernmost portion of the Hudson South Call Area.
 - The VMS data available on the Northeast Ocean Data Portal indicate that there is high fishing density in both the Hudson North and South Call Areas between 2011 and 2016 (Figures 3-5).
 - The entirety of all four Call Areas appears to be of high value for the scallop industry at one point in time.
 - Scallop landings coming from the Hudson North area alone reached over \$49 million in 2014 (RIDEM 2018).
 - Consideration of socioeconomic impacts to ports where seafood is landed after harvest from the Call Areas must be made. Please refer to the tables provided in the NY Bight Call Areas VMS report (RIDEM 2018), which covers the three northern Call Areas.
 - There is extensive overlap with ocean quahog/surflclam fishing grounds.
 - While scallop activities are more evenly distributed among the Call Areas, and the NY/NJ Bight in general, ocean quahog/surflclam fishing activity is the most heavily concentrated within the Hudson North and South Call Areas (Figures 6-10).

- The offshore section of the Hudson North Call Area and the western portion of the Hudson South appear to have the greatest density of ocean quahog/monkfish activity.
 - While this fishery is not as high value as sea scallops, more of the fishery's activity is concentrated within the Call Areas (RIDEM 2018).
 - Other fisheries that may be affected include squid, Atlantic mackerel, and monkfish.
 - Squid are the species of greatest concern for Rhode Island. There is limited overlap with the VMS data from 2011-2016 (Figures 11 and 12) and VTR data from 2006-2010 (Kirkpatrick et al. 2016) compared to the other species previously addressed.
 - However, there is high interannual variability in both the abundance and location of squid. While squid may not be abundant in the years mapped, they may use the area in future years.
 - The sites may be far enough offshore to avoid habitat known to be most heavily fished for squid, but benthic survey work in the area should evaluate whether squid mops are present within wind energy areas, as different life history stages may utilize different habitats.
 - There also appears to be a clear transit area from Point Judith to the Hudson Canyon (Figure 13) that should be avoided if possible; the transit area intersects with the eastern portion of the Fairways North site.
 - Monkfish harvesting activities appear to be the most concentrated in the northern section of the Hudson South Call Area from 2006-2010 (Figure 14), 2011-2014 (Figure 15), and 2015-2016 (Figure 16).
 - The Hudson Valley area appears to be of high importance for monkfish, and fishing activity does overlap with the inner section of the Hudson South Call Area as well.
 - The Rhode Island fishery for herring and mackerel has also expressed concerns over the area along the Hudson Valley (refer to Figure 13).
 - There is high density fishing in the Hudson Valley and in the northern section of the Hudson South Call Area.
 - We acknowledge that the VMS layers presented are only a snapshot of long-term fishing activity.
 - We believe this may be a minimal estimate as there may be other vessels that were not required to carry VMS on their fishing vessels in earlier years and more recent fishing activity may look different than information presented in the figures. Nevertheless, this area is known to be used heavily by both the scallop and ocean quahog fisheries, and also by the squid, mackerel, herring, and monkfish fishing industries.
- The USCG observed during the December 4th, 2017 intergovernmental task force webinar that parts of the Call Areas had substantial interstate commercial traffic. This point was reiterated at the May 9th, 2018 intergovernmental task force meeting.
 - Developing those areas with substantial commercial traffic could shift and concentrate that traffic to negatively impact the safety and operation of the fishing industry, as well as the safety of the commercial traffic itself.
 - High use traffic areas designated by the USCG should be considered for removal from the Call Areas.
 - Based on AIS data from 2011-2013 on the Northeast Ocean Data Portal, it appears that passenger vessels, cargo vessels and tankers utilize the shipping lanes most heavily, while

tug-tow boats often traverse the NY/NJ Bight diagonally (SW-NE; Figure 17); the same pattern was evident each year.

- A SW-NE transit corridor should be considered to mitigate disturbances to tug-tow vessel patterns and reduce impacts to other activities in the region (e.g. fishing).
- Concerns with the Fairways South site being situated directly between TSS lanes with only a one nautical mile buffer was repeatedly discussed at the May 9th task force meeting (refer to Figure 18). We recommend that this site be removed from consideration due to navigational concerns (i.e. radar interference) expressed by the commercial fishing industry.

Comments on the Wind Energy Area Selection Process:

- Staff strongly support the recommendation made by representatives from the USCG District 1 at the intergovernmental task force meeting held on May 9, 2018.
 - The USCG recommended that an additional intergovernmental task force meeting be held after BOEM has summarized all the comments submitted. BOEM would present a summary of stakeholder concerns and the task force could weigh in on selecting WEAs based on stakeholder input.
 - Breakout sessions on specific topics (e.g. fishing, navigation) might be of value during this process.
 - The public should be allowed to participate in topic-specific breakout sessions.
 - The RIDEM feels that this approach to Area Identification could serve to improve transparency in the decision-making process and allow the public to participate in a more open site-selection strategy.

The state of Rhode Island sincerely thanks you for the opportunity to provide comments. We appreciate your inclusion of Rhode Island state representatives at recent NY Renewable Energy Intergovernmental Task Force meetings and look forward to working with you in the future. Should you have any questions or comments regarding these recommendations, please feel free to contact Julia Livermore (julia.livermore@dem.ri.gov; 401-423-1937).

References:

Kirkpatrick, J., Benjamin, S., DePiper, G., Murphy, T., Steinback, S., & Demarest, C. (2016). *Socio-Economic Impact of Outer Continental Shelf Wind Energy Development on Fisheries in the U.S. Atlantic*. Bureau of Ocean Energy Management.

Rhode Island Department of Environmental Management, Division of Marine Fisheries (2018). *Spatiotemporal and Economic Analysis of Vessel Monitoring System Data within the New York Bight Call Areas*. http://www.dem.ri.gov/programs/bnatres/fishwild/pdf/RIDEM_VMS_Report_2018.pdf

2011-2016 Sea Scallop FMP Smoothed Fishing Density

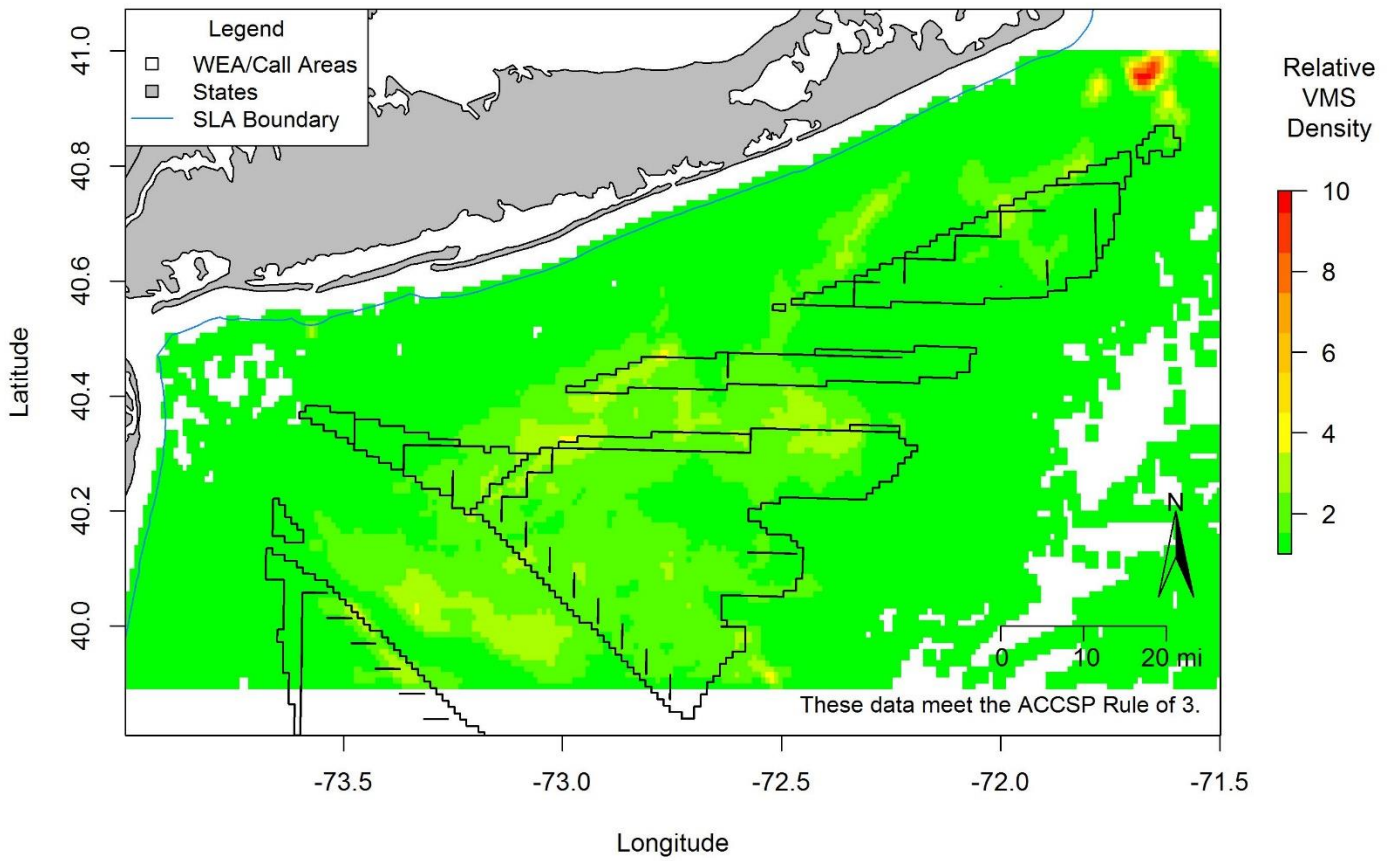


Figure 1. VMS fishing activity of vessels harvesting sea scallops between 2011-2016.

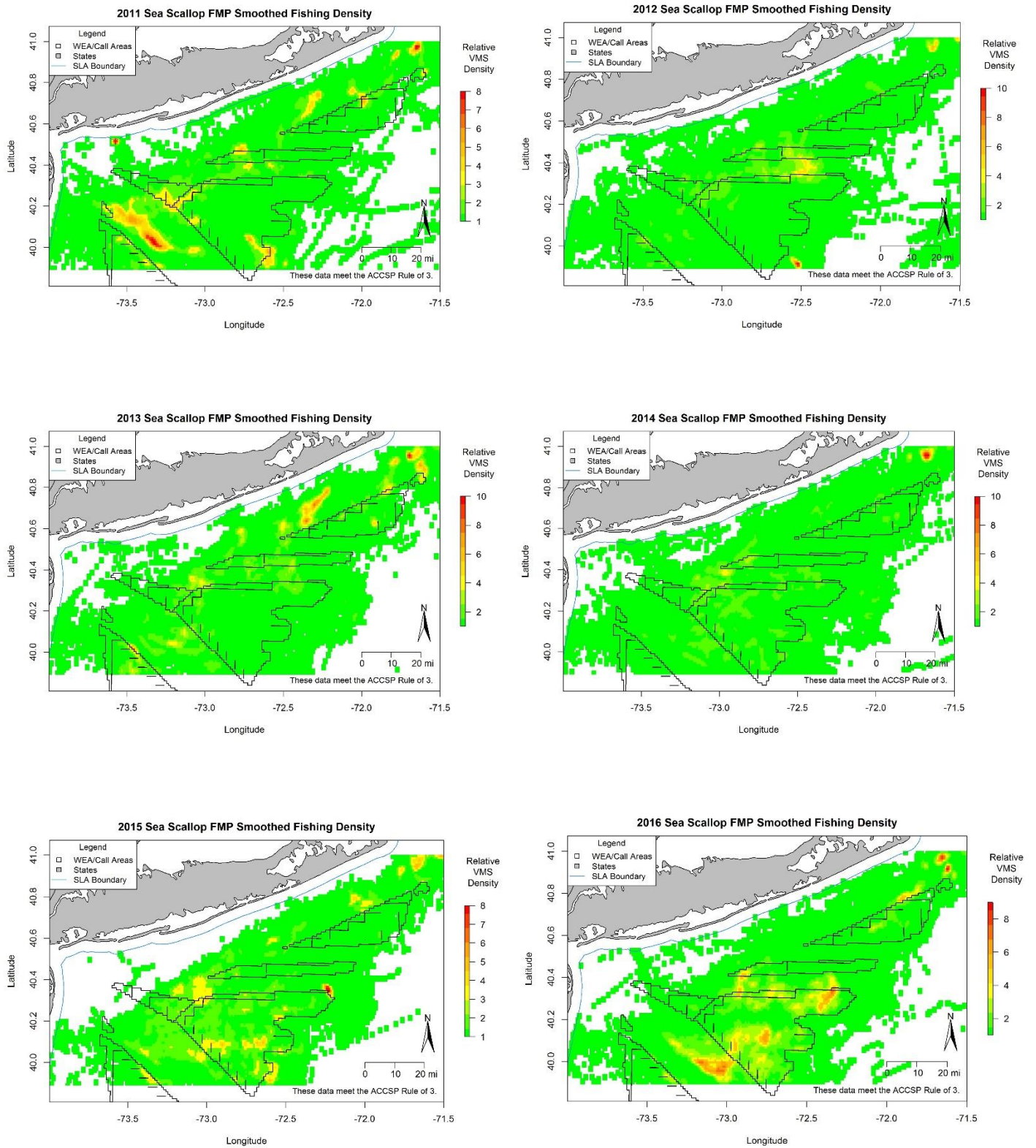


Figure 2. VMS fishing activity of vessels harvesting sea scallops in individual years from 2011 to 2016. Please note that fishing density scales are different among years.

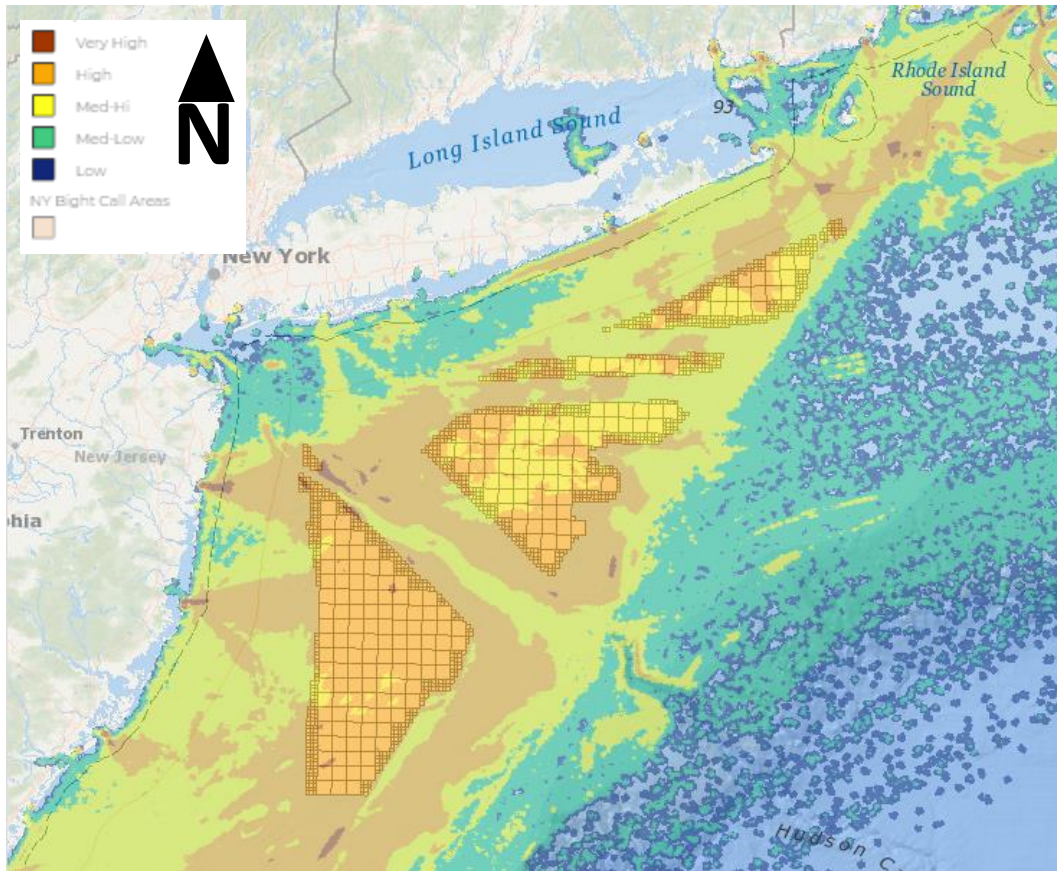


Figure 3. 2006-2010 sea scallop FMP VMS density. Data source: Northeast Ocean Data Portal.

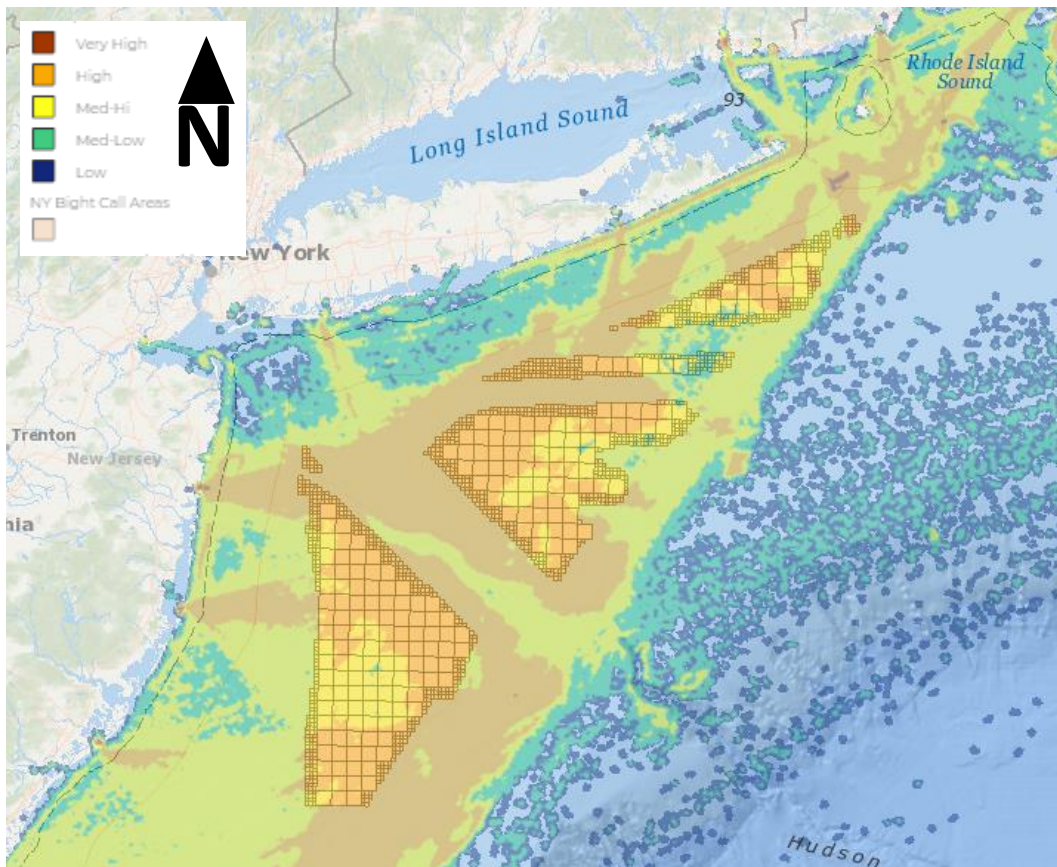


Figure 4. 2011-2014 sea scallop FMP VMS density. Data source: Northeast Ocean Data Portal.

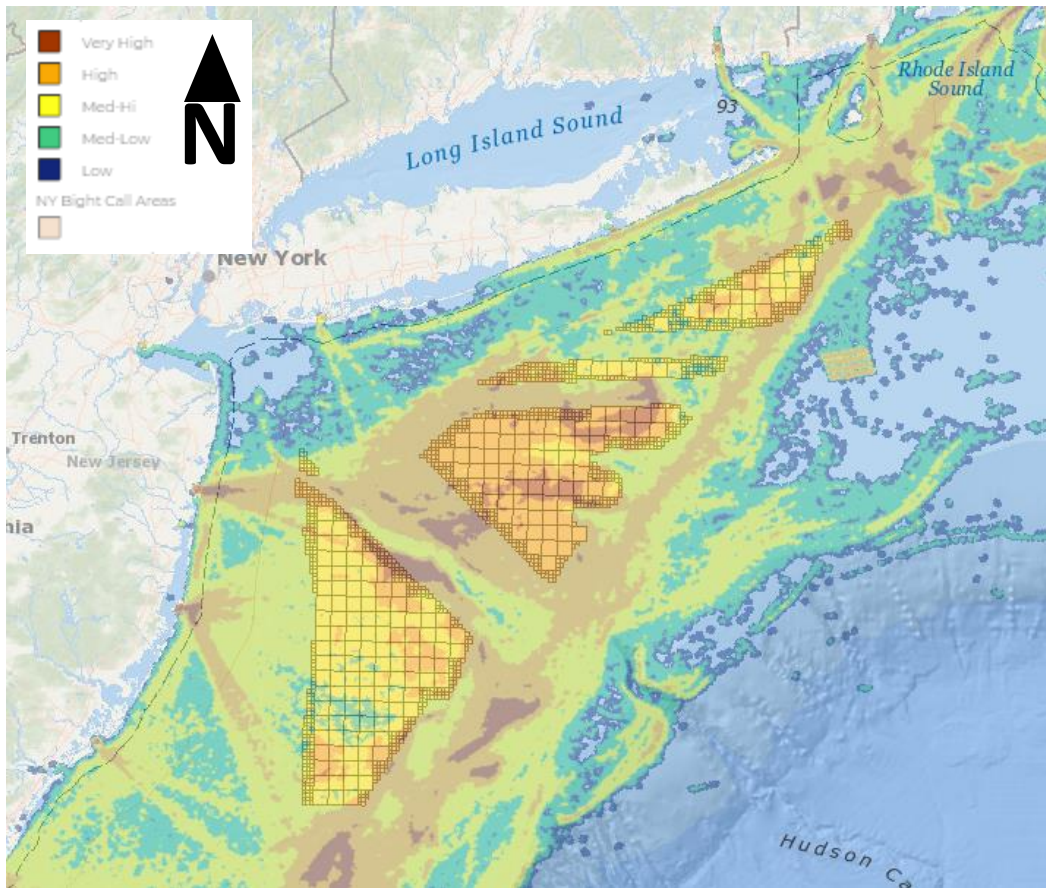


Figure 5. 2015-2016 sea scallop FMP VMS density. Data source: Northeast Ocean Data Portal.

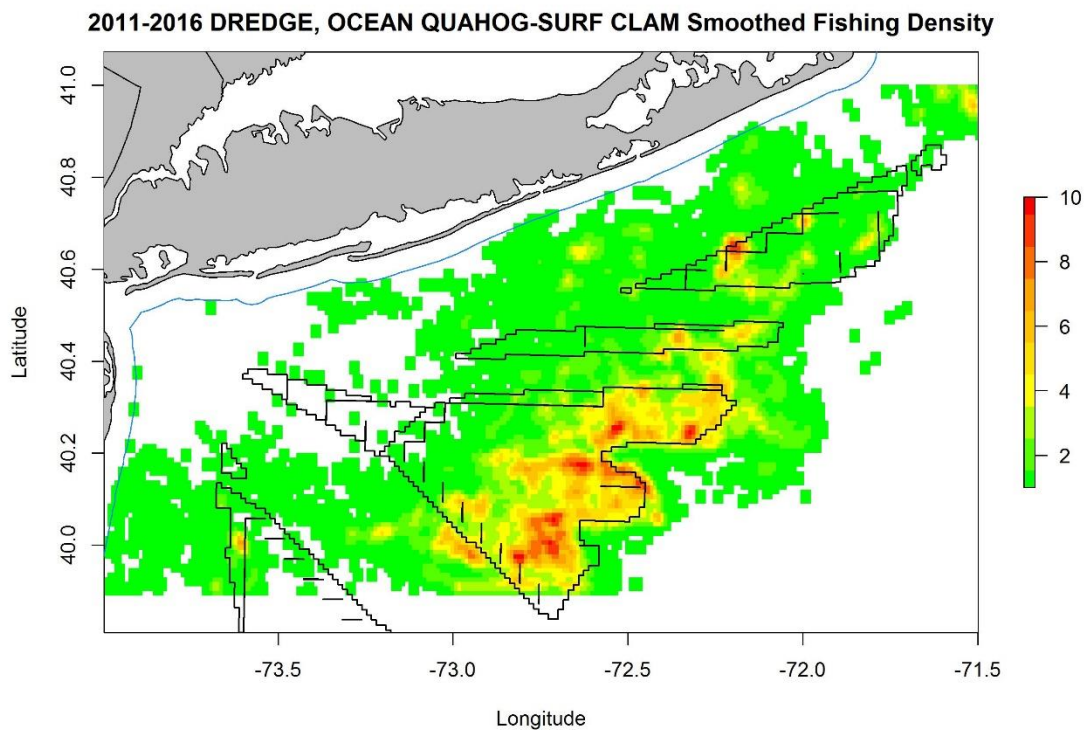


Figure 6. VMS fishing activity of vessels harvesting ocean quahogs/surf clams using a hydraulic dredge in 2011-2016.

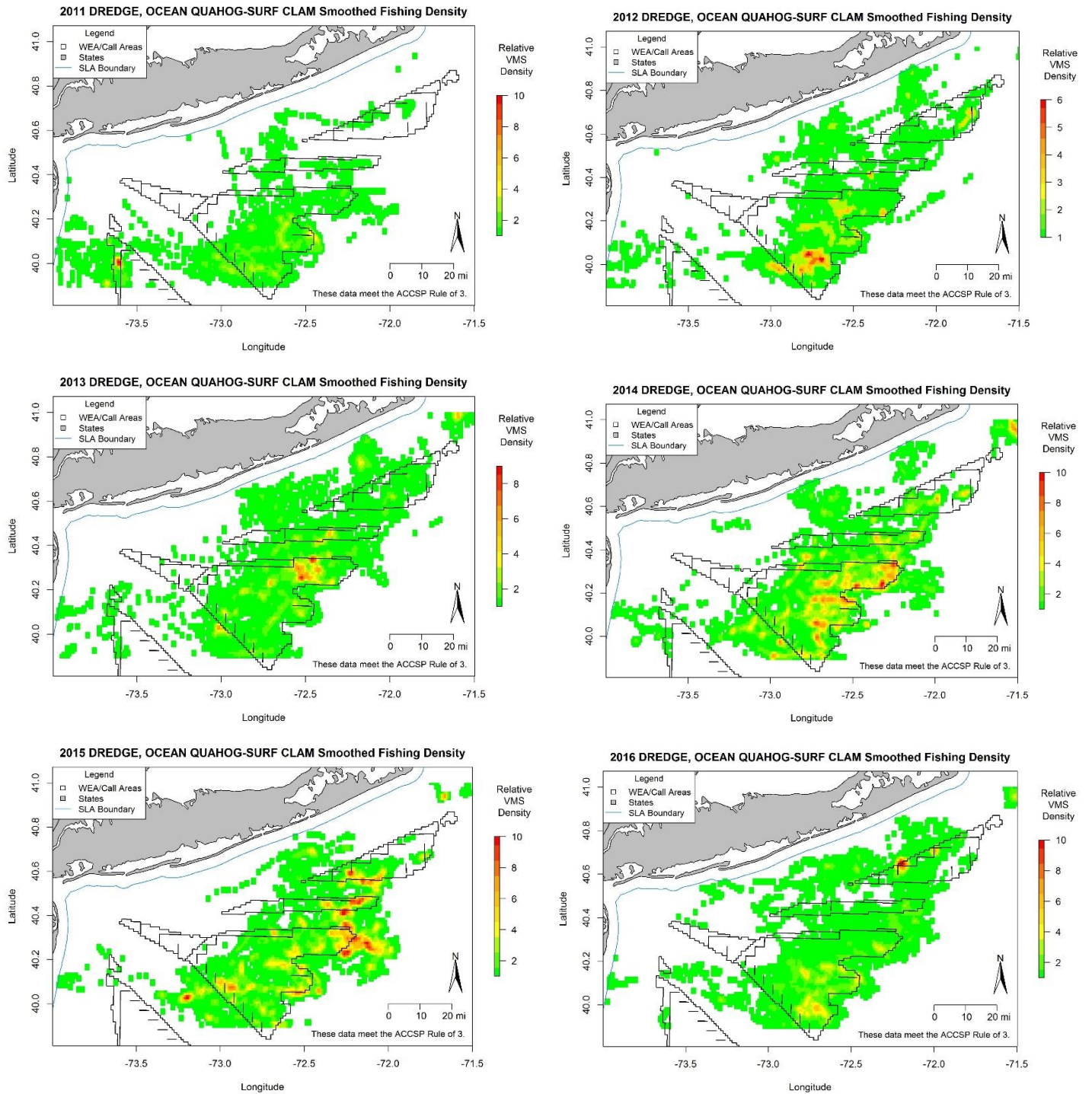


Figure 7. VMS fishing activity of vessels harvesting ocean quahogs/surf clams using a hydraulic dredge in individual years from 2011 to 2016. Please note that fishing density scales are different among years.

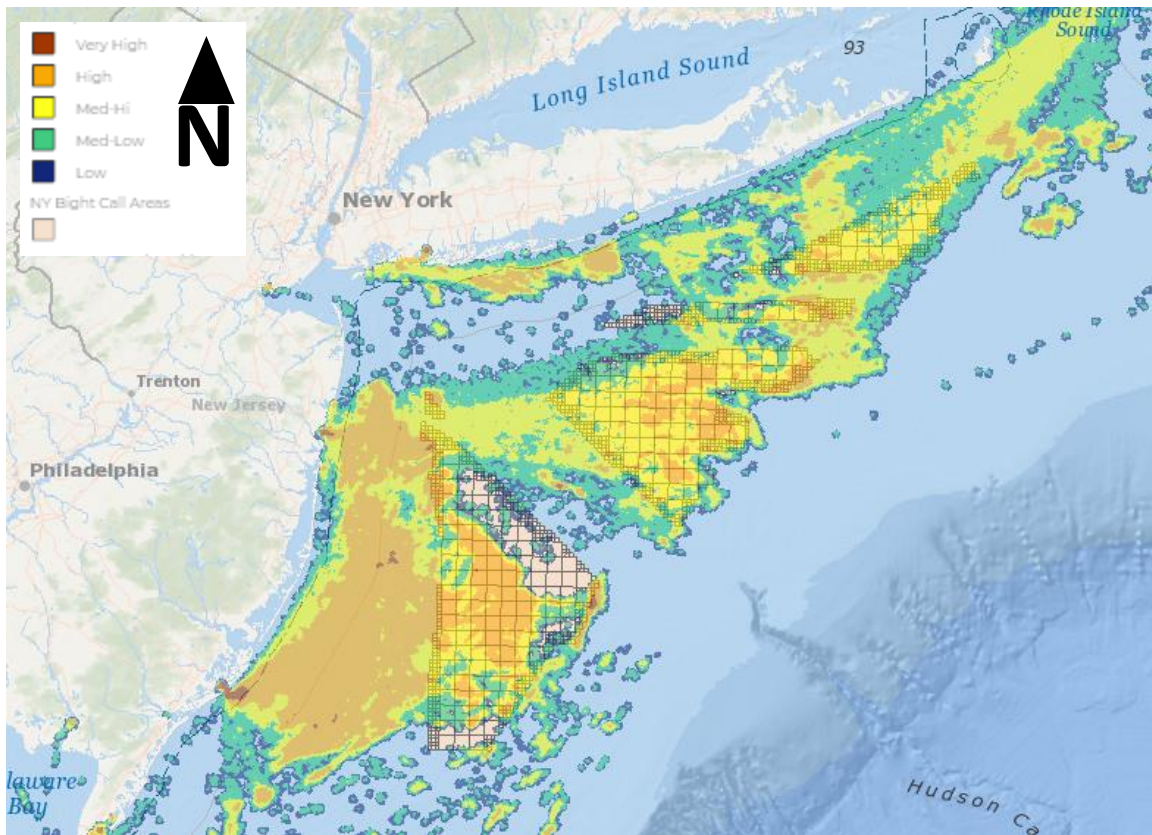


Figure 8. 2006-2011 ocean quahog/surfclam fishery VMS density. Data source: Northeast Ocean Data Portal.

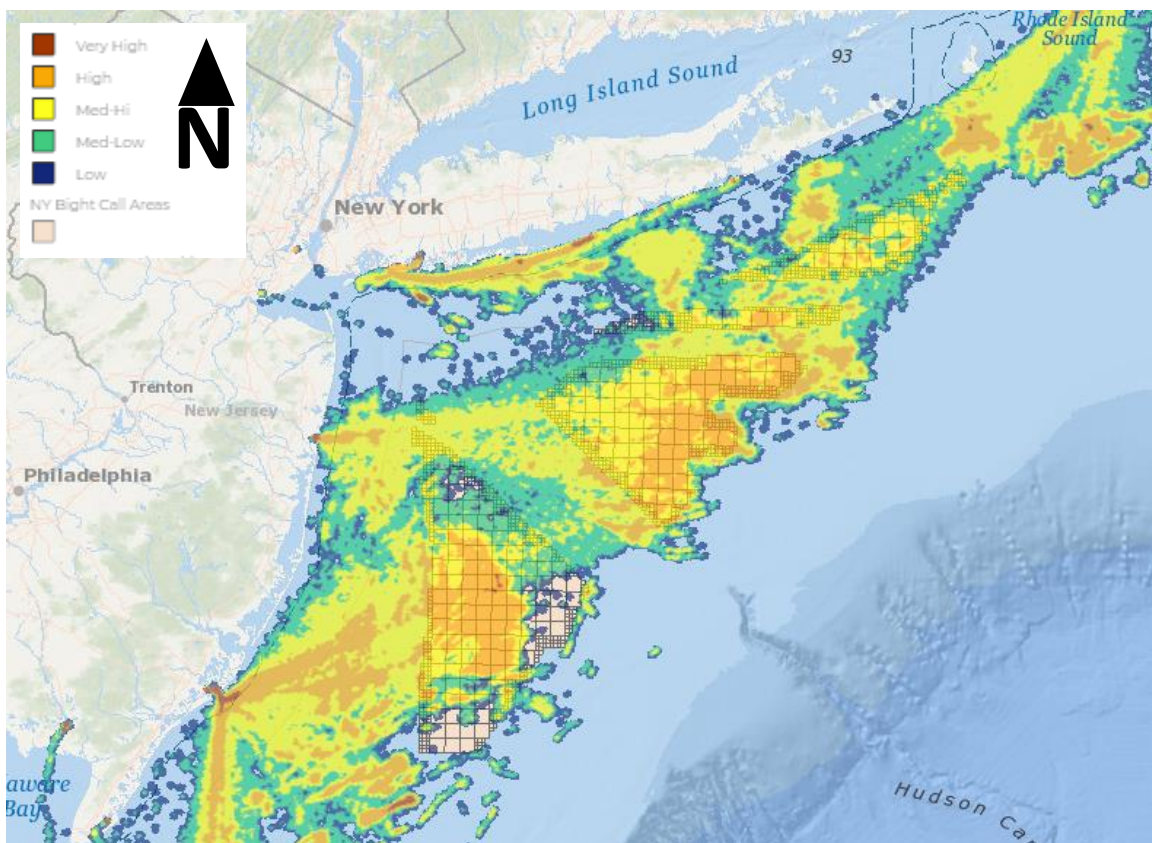


Figure 9. 2012-2014 ocean quahog/surfclam fishery VMS density. Data source: Northeast Ocean Data Portal.

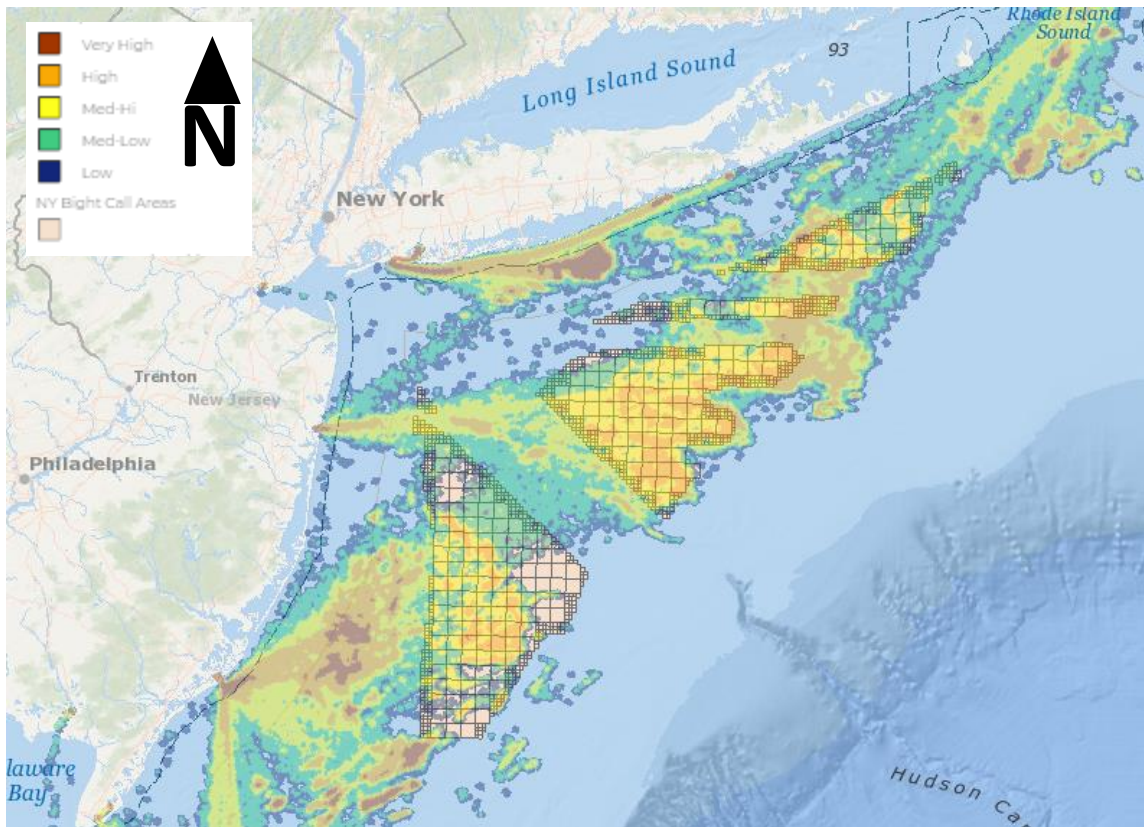


Figure 10. 2015-2016 ocean quahog/surfclam fishery VMS density. Data source: Northeast Ocean Data Portal.

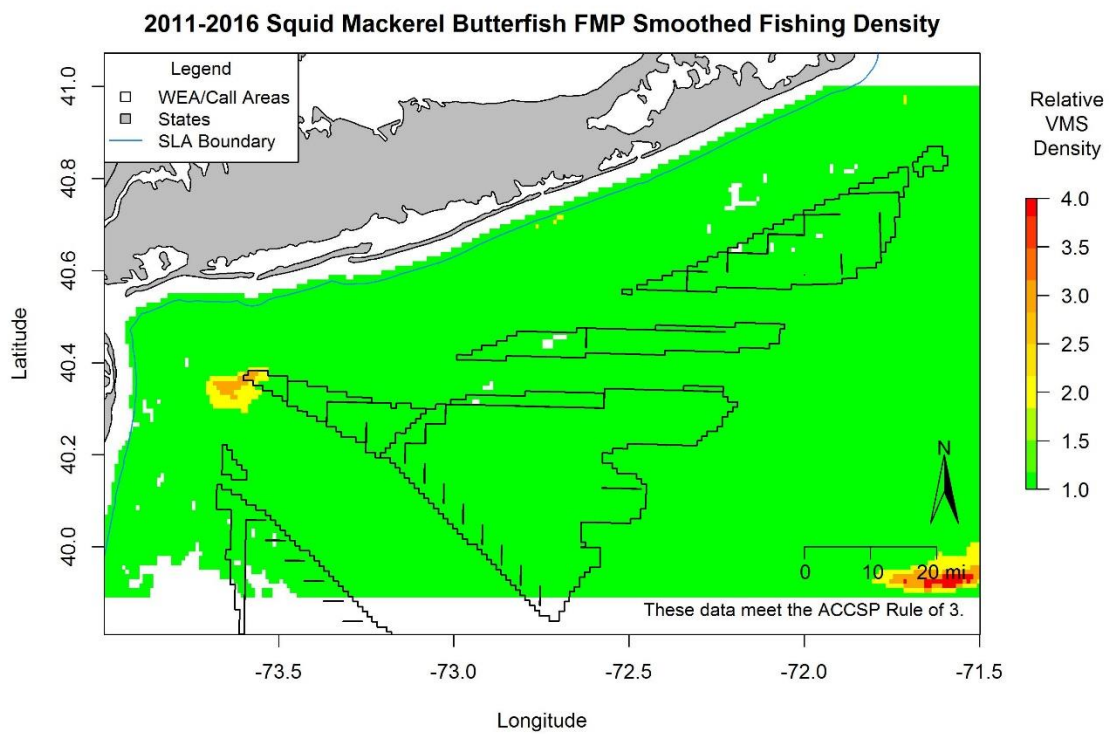


Figure 11. VMS fishing activity of vessels harvesting squid, Atlantic mackerel, and butterfish from 2011-2016.

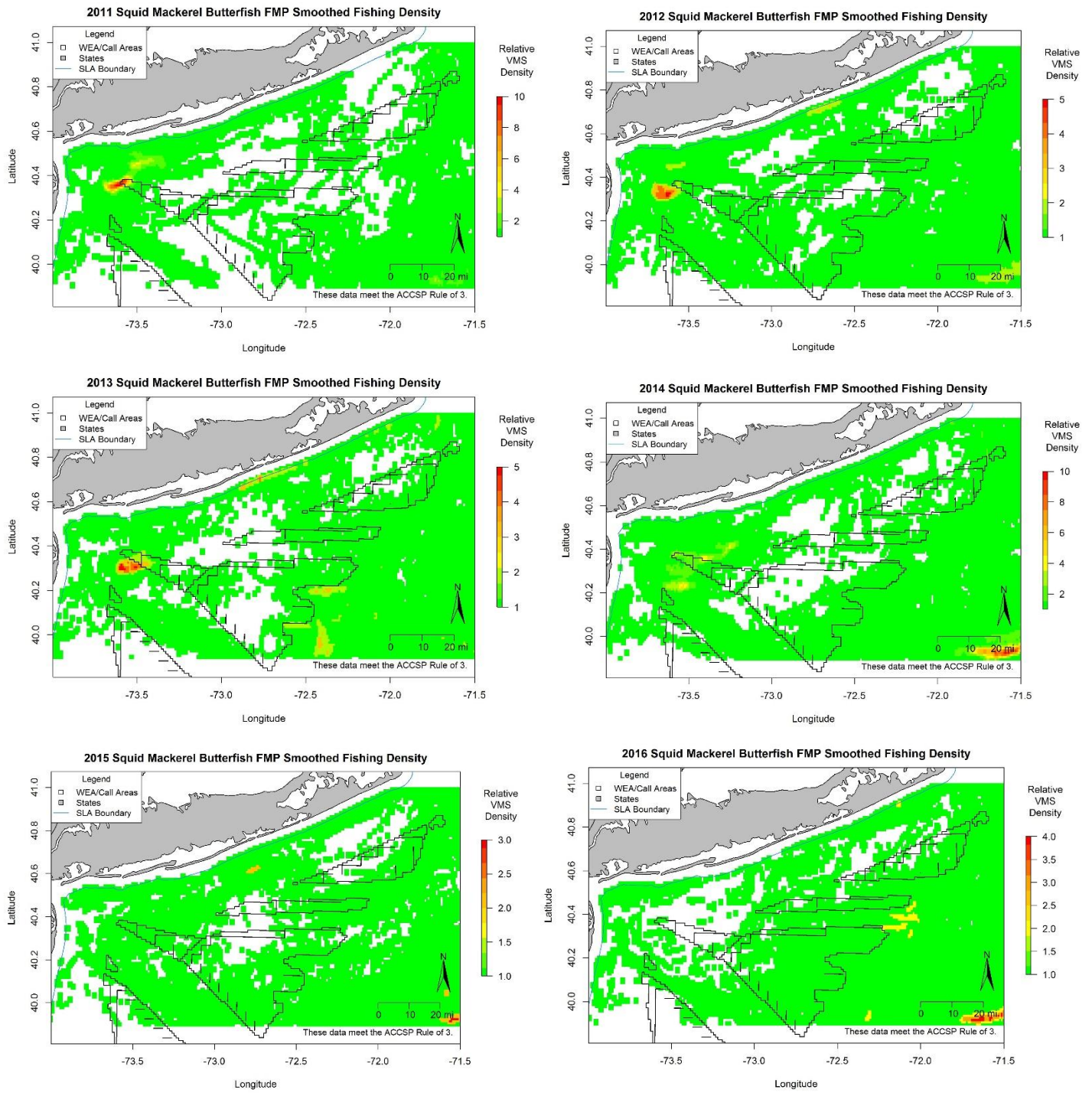


Figure 12. VMS fishing activity of vessels harvesting squid, Atlantic mackerel, and butterfish in individual years from 2011 to 2016. Please note that fishing density scales are different among years.

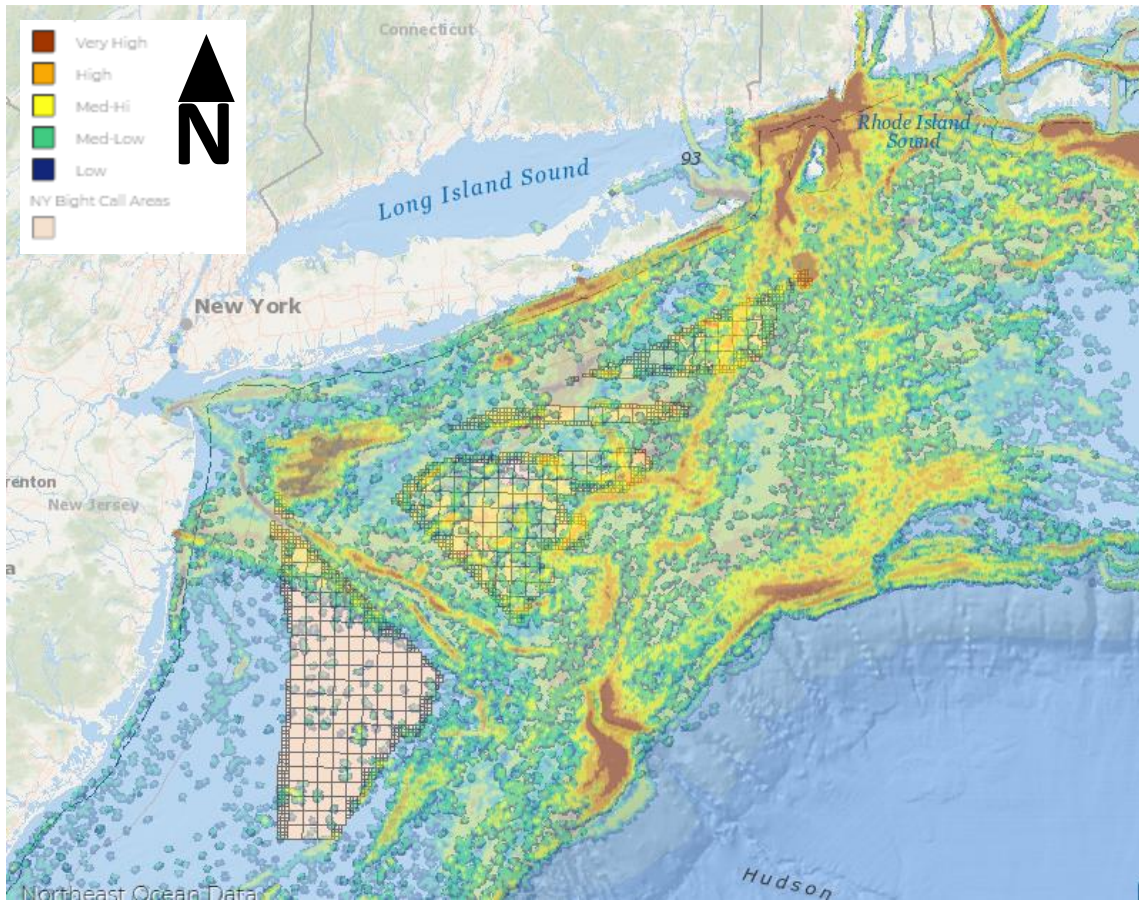


Figure 13. 2014 and 2015-2016 squid VMS densities overlaid on top of one another. Data source: Northeast Ocean Data Portal.

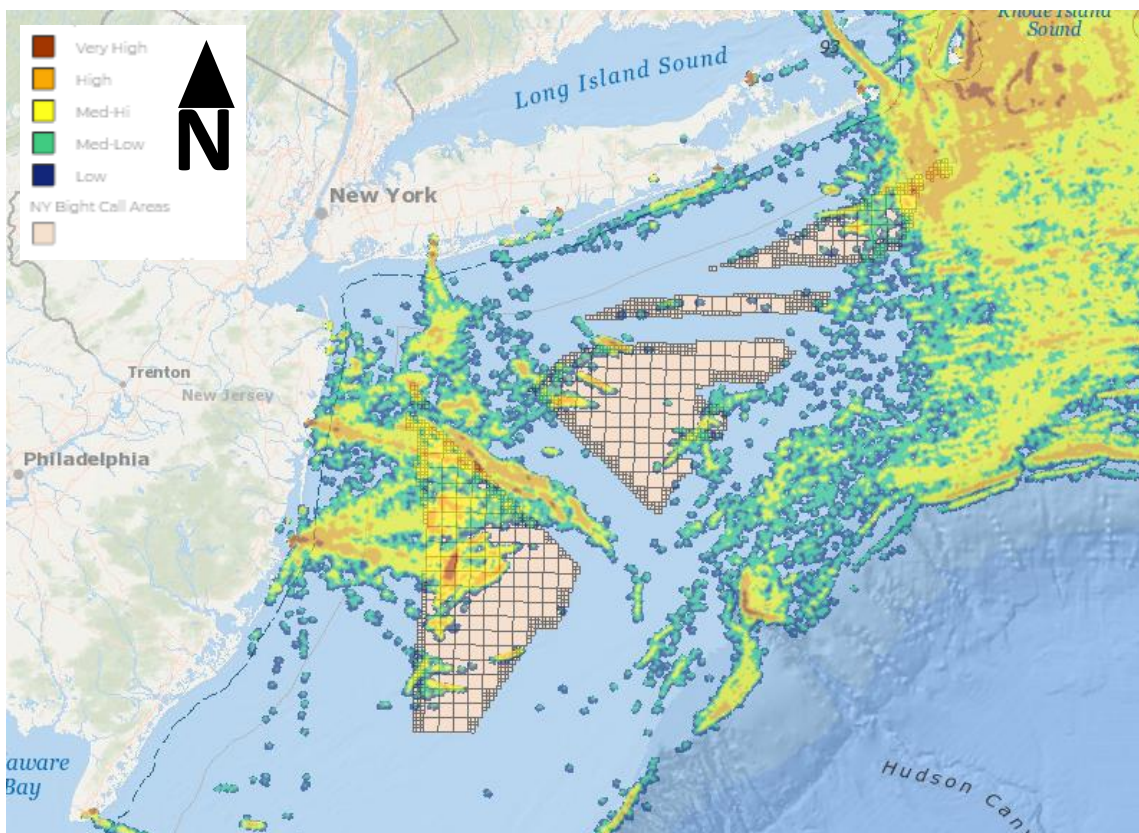


Figure 14. 2006-2011 monkfish fishery VMS density. Data source: Northeast Ocean Data Portal.

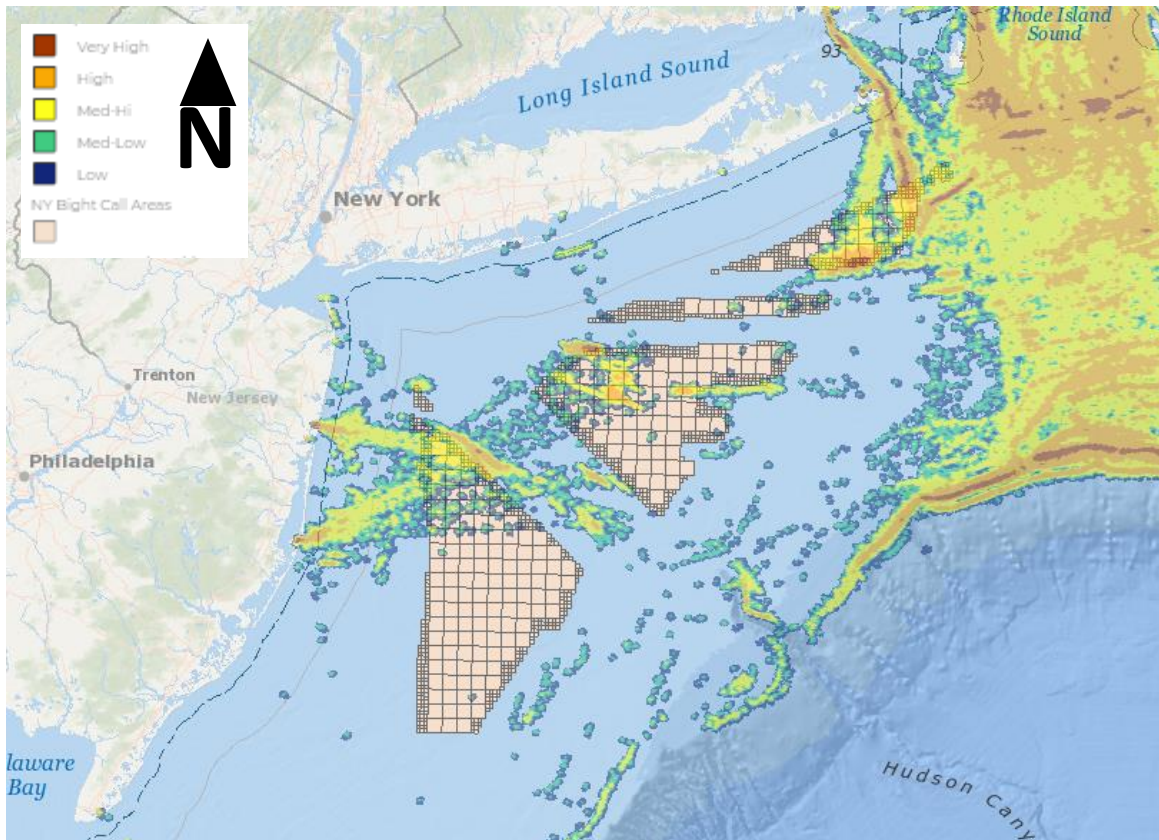


Figure 15. 2012-2014 monkfish fishery VMS density. Data source: Northeast Ocean Data Portal.

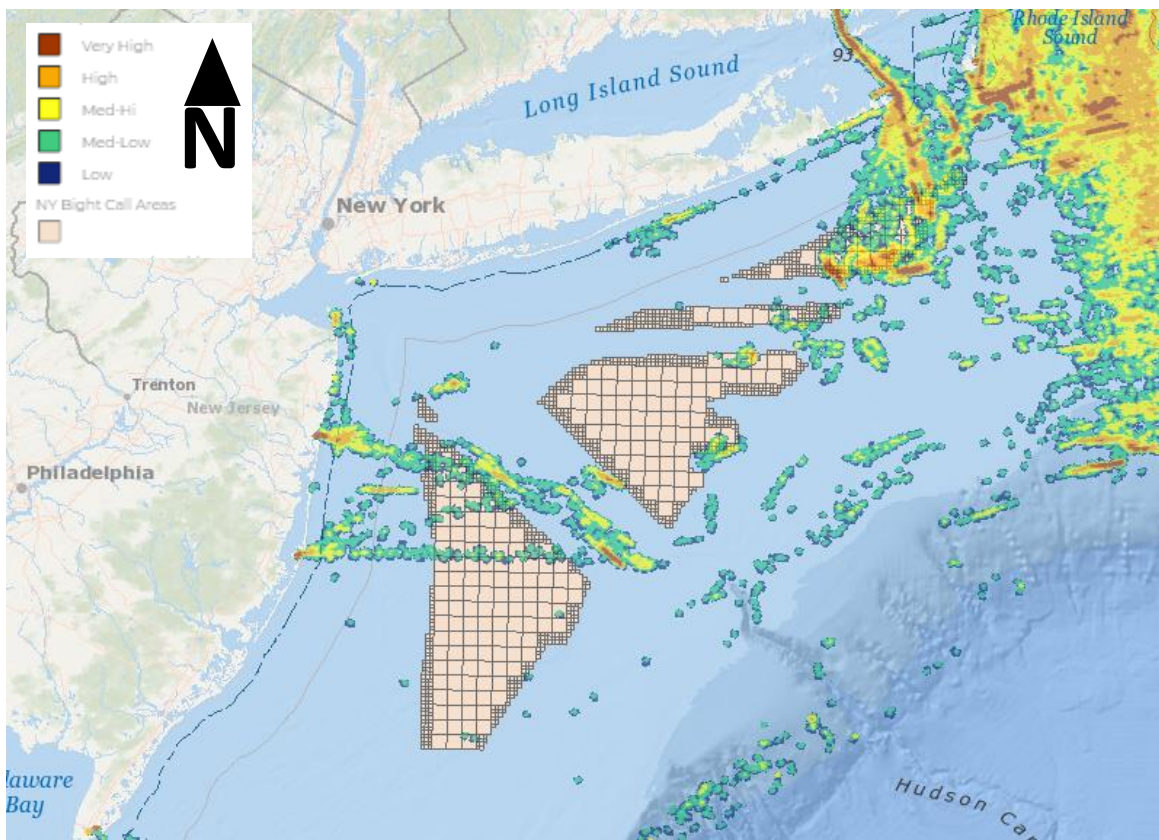


Figure 16. 2015-2016 monkfish fishery VMS density. Data source: Northeast Ocean Data Portal.

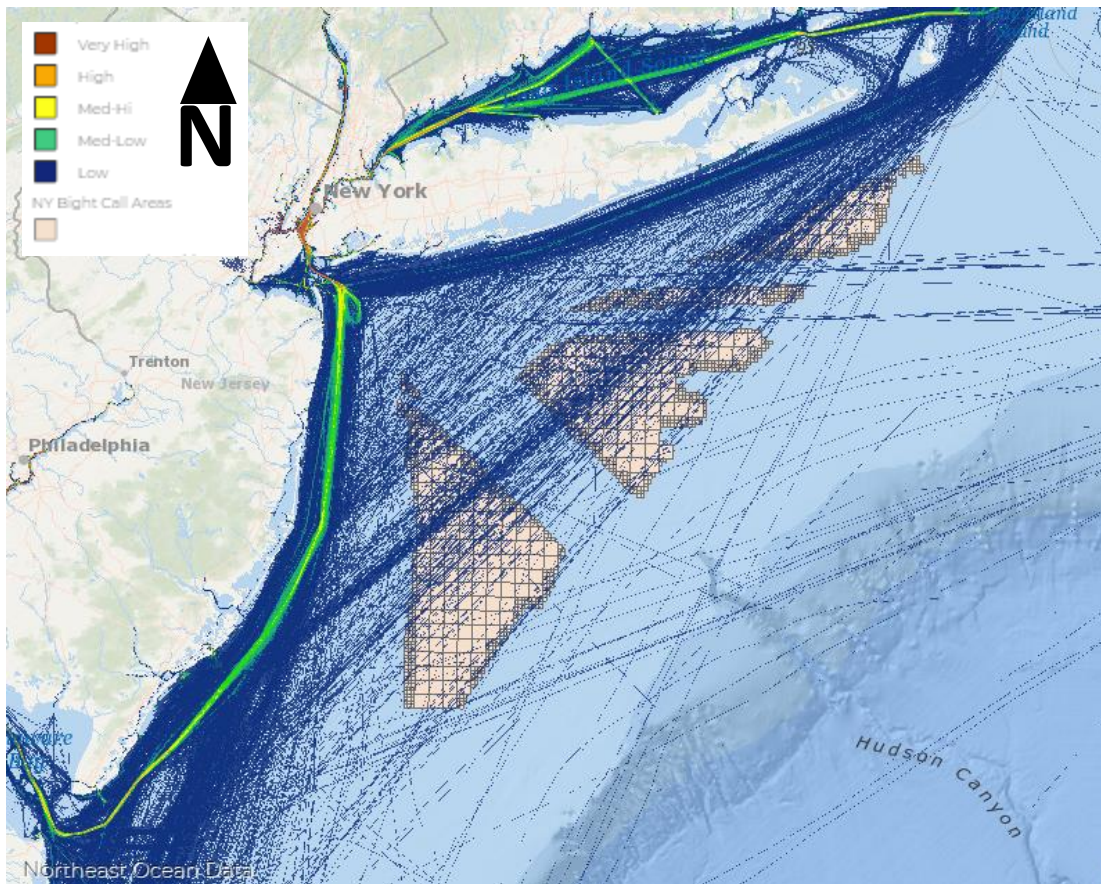


Figure 17. 2011 and 2013 tug and tow boat densities (AIS) overlaid on top of one another. Data source: Northeast Ocean Data Portal.

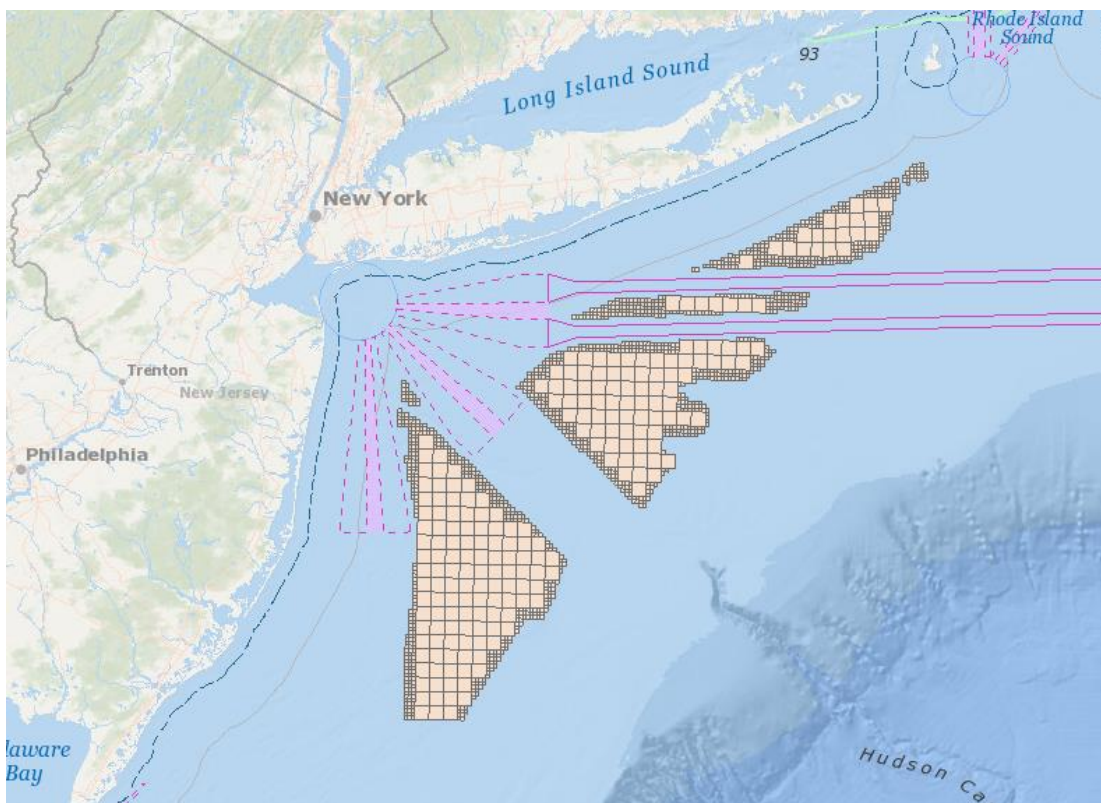


Figure 18. Transportation separation schemes overlaid with the NY Bight Call Areas. Data source: Northeast Ocean Data Portal