



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF MARINE FISHERIES
Three Fort Wetherill Road
Jamestown, Rhode Island 02835

TO: Dr. Walter Cruickshank, Acting Director of the Bureau of Ocean Energy Management

FROM: Jason McNamee, Chief of Marine Resources

DATE: November 14, 2017

SUBJECT: Comments to BOEM on NYSERDA Area for Consideration

RI DEM Division of Marine Fisheries staff have reviewed the NYSERDA report titled “New York State Area for Consideration for the Potential Locating of Offshore Wind Energy Areas.” Staff have the following comments:

- The Area for Consideration appears to avoid heavy fishing grounds for the squid, herring, and mackerel fisheries based on the VMS data between 2006 and 2014 (Figure 16 of the NYSERDA Area for Consideration report).
 - Squid are the species of greatest concern for Rhode Island fishermen. There is limited overlap with the VMS data from 2014 (Figure 1) and VTR data from 2006-2010 (Kirkpatrick et al. 2016).
 - However, there is high interannual variability in both the abundance and location of squid. While squid may not be present in the years mapped, they may use the area in future years.
 - The sites may be far enough offshore to avoid habitat most heavily utilized by squid, but future benthic survey work in the area should evaluate whether squid mops are present.
- The Area for Consideration also avoids the rotational closure area for the sea scallop industry.
 - Nevertheless, there appears to be some overlap with the scallop industry’s fishing grounds (Figures 2-4) in an area that is open at all times (i.e. it remains open when the rotating area is closed). There is also overlap with surfclam/ocean quahog fishing (Figures 5-7).
 - Staff understand that there is no perfect place to situate a wind farm in federal waters and there will always be fishing conflicts. However, since it is known prior to leasing that there is a fishing conflict within the Area for Consideration, if it is within BOEM’s regulatory authority, scallop and surf clam/ocean quahog fishery mitigation requirements should be included in lease conditions for the future site lessees.
 - Mitigation measures may follow the Project-Developed Mitigation Measures and Best Management Practices outlined in section 5.3. of the Development of Mitigation Measures to Address Potential Use Conflicts between Commercial Wind Energy Lessees/Grantees and Commercial Fishers on the Atlantic Outer Continental Shelf: Report on Best Management Practices and Mitigation Measures (OCS Study, BOEM 2014-654).
- We recommend that BOEM not use the Indicative Areas to elicit comment from the public.
 - If they are used, please provide further explanation of the purpose of the indicative areas.

- While the Indicative Areas are effective in providing a sense of scale, the fact that there are four configurations makes it seem to the reader like the sites have already been selected and BOEM will simply be choosing one of the configurations as the future WEAs.
- From a fisheries conflict and habitat perspective, the western portion of the western piece of the Area for Consideration seems to have the fewest negative impacts.
 - This area has the least fishing activity (Figure 16 of the NYSERDA Area for Consideration report).
 - This area also has low fish core biomass (Figure 14 of the NYSERDA Area for Consideration report).
 - The entirety of the Area for Consideration ranges between 16 and 30 species with essential fish habitat (EFH) in the region (Figure 15 of the NYSERDA Area for Consideration report), so there is no optimal choice with respect to EFH.
 - Multiple fishery stakeholders contacted through the fishery stakeholder engagement process also indicated that there is less fishing activity in this area (Figure 18 of the NYSERDA report, draft NYSERDA Fish and Fisheries Report).

We sincerely thank you for the opportunity to provide comments on the Area for Consideration in preparation of a Call area 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 me or Julia Livermore (julialivermore4@gmail.com; 401.423.1937).

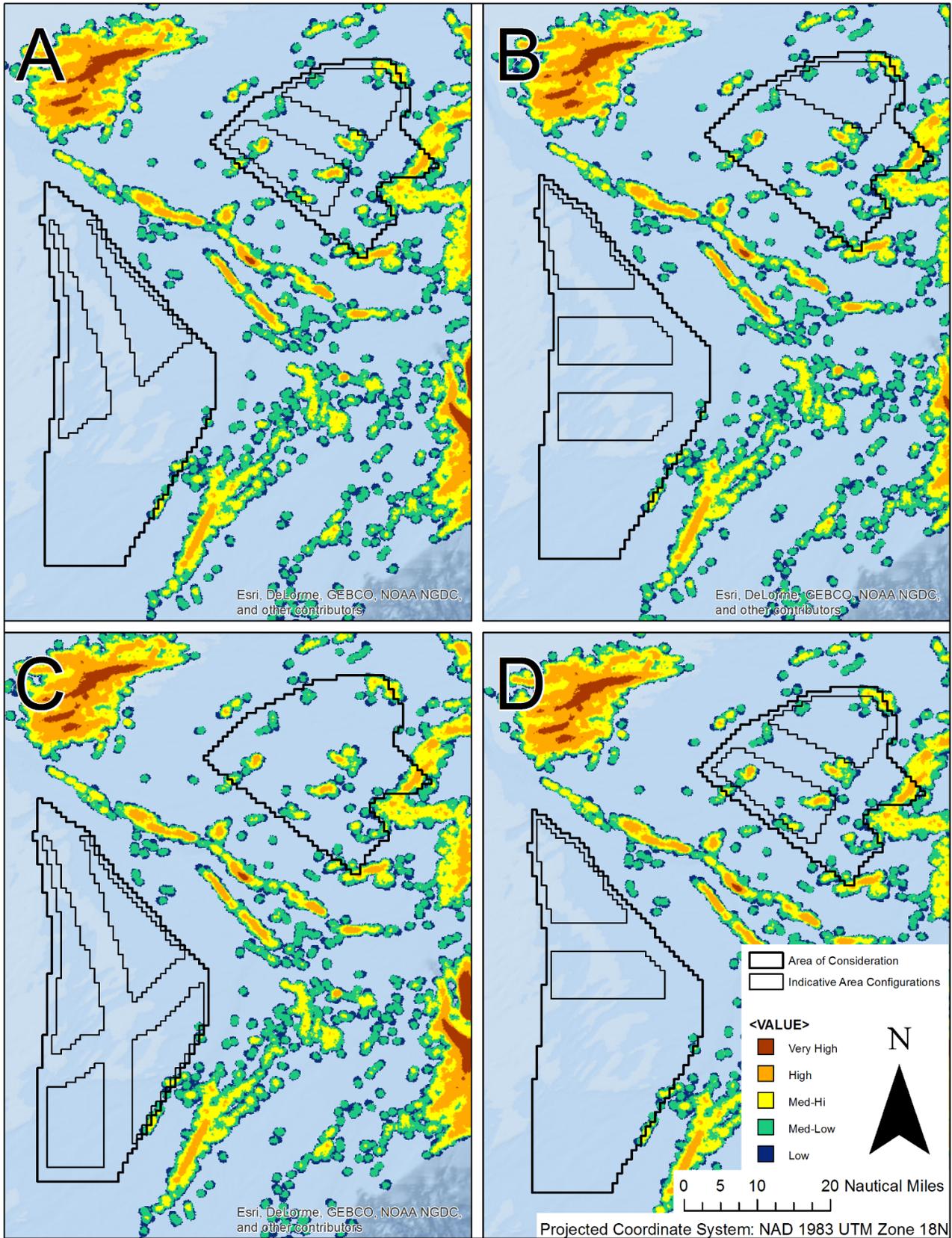


Figure 1. Indicative Area Configurations and Area for Consideration overlaid on squid fishery VMS data (<4 knots) from 2014. VMS data from the Northeast Ocean Data Portal (<http://www.northeastoceandata.org>). Map produced by the RI DEM Division of Marine Fisheries on 10/23/2017.

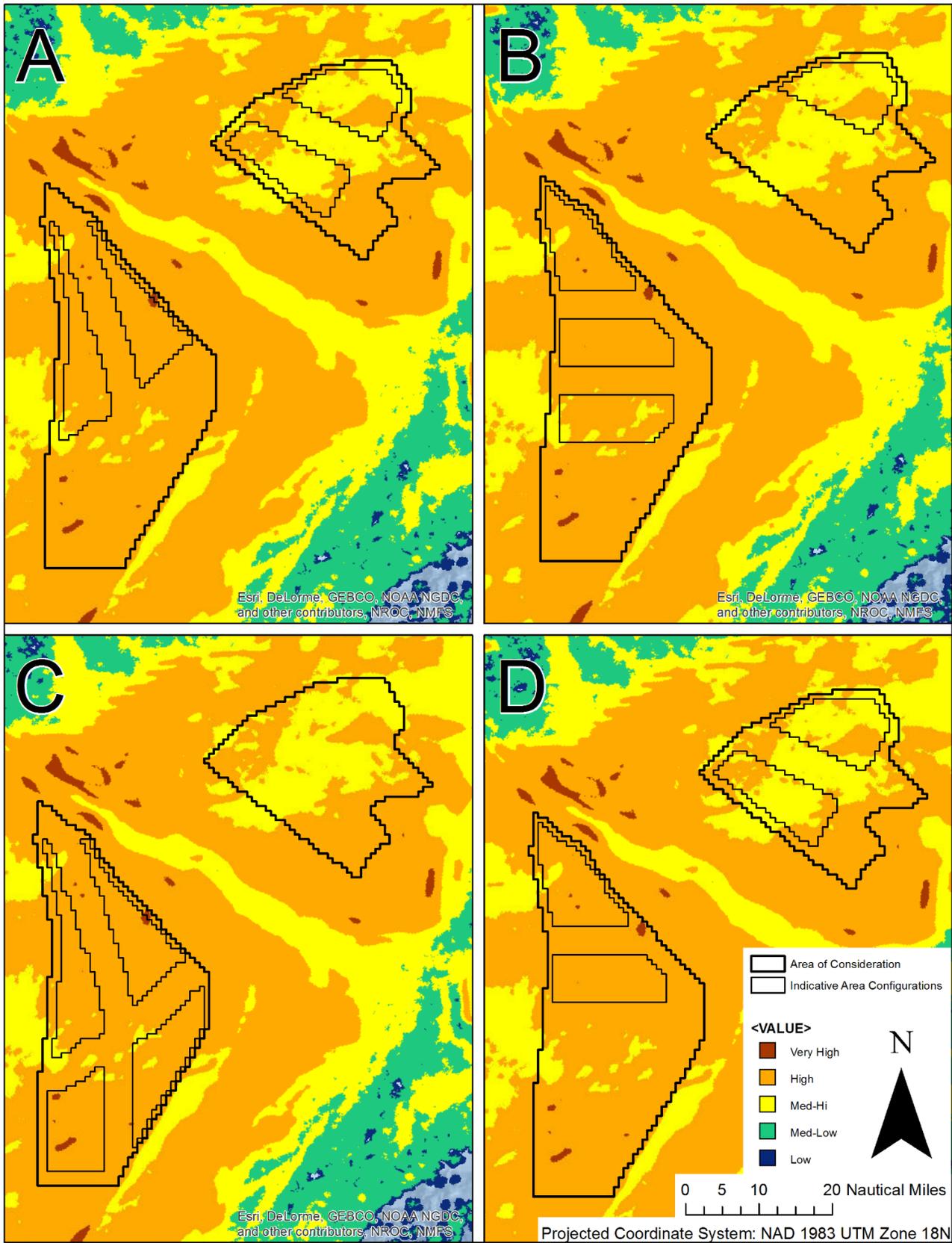


Figure 2. Indicative Area Configurations and Area for Consideration overlaid on scallop fishery VMS data from 2006-2010. VMS data from the Northeast Ocean Data Portal (<http://www.northeastoceandata.org>). Map produced by the RI DEM Division of Marine Fisheries on 10/23/2017.

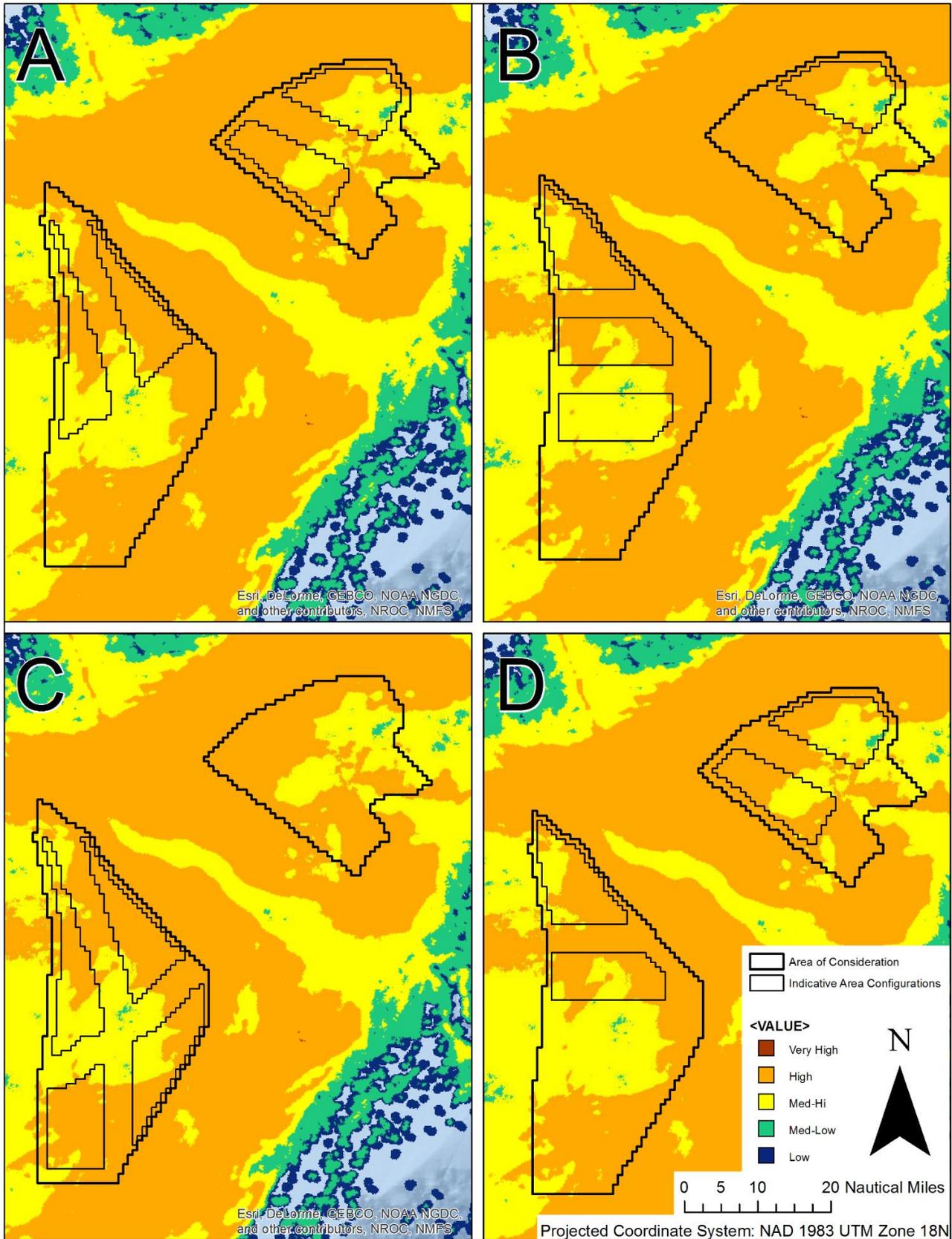


Figure 3. Indicative Area Configurations and Area for Consideration overlaid on scallop fishery VMS data from 2011-2014. VMS data from the Northeast Ocean Data Portal (<http://www.northeastoceandata.org>). Map produced by the RI DEM Division of Marine Fisheries on 10/23/2017.

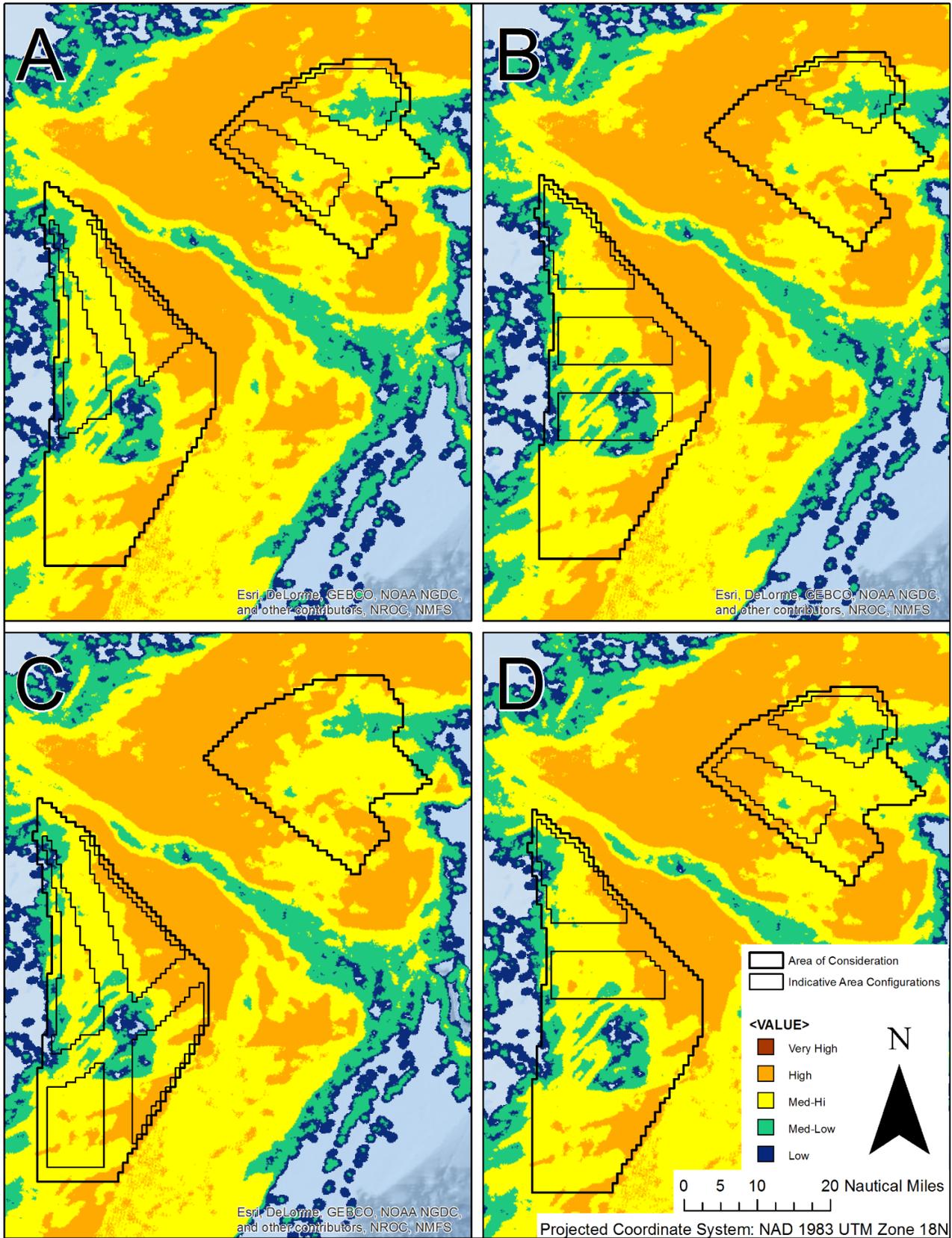


Figure 4. Indicative Area Configurations and Area for Consideration overlaid on scallop fishery VMS data (<5 knots) from 2011-2014. VMS data from the Northeast Ocean Data Portal (<http://www.northeastoceandata.org>). Map produced by the RI DEM Division of Marine Fisheries on 10/23/2017.

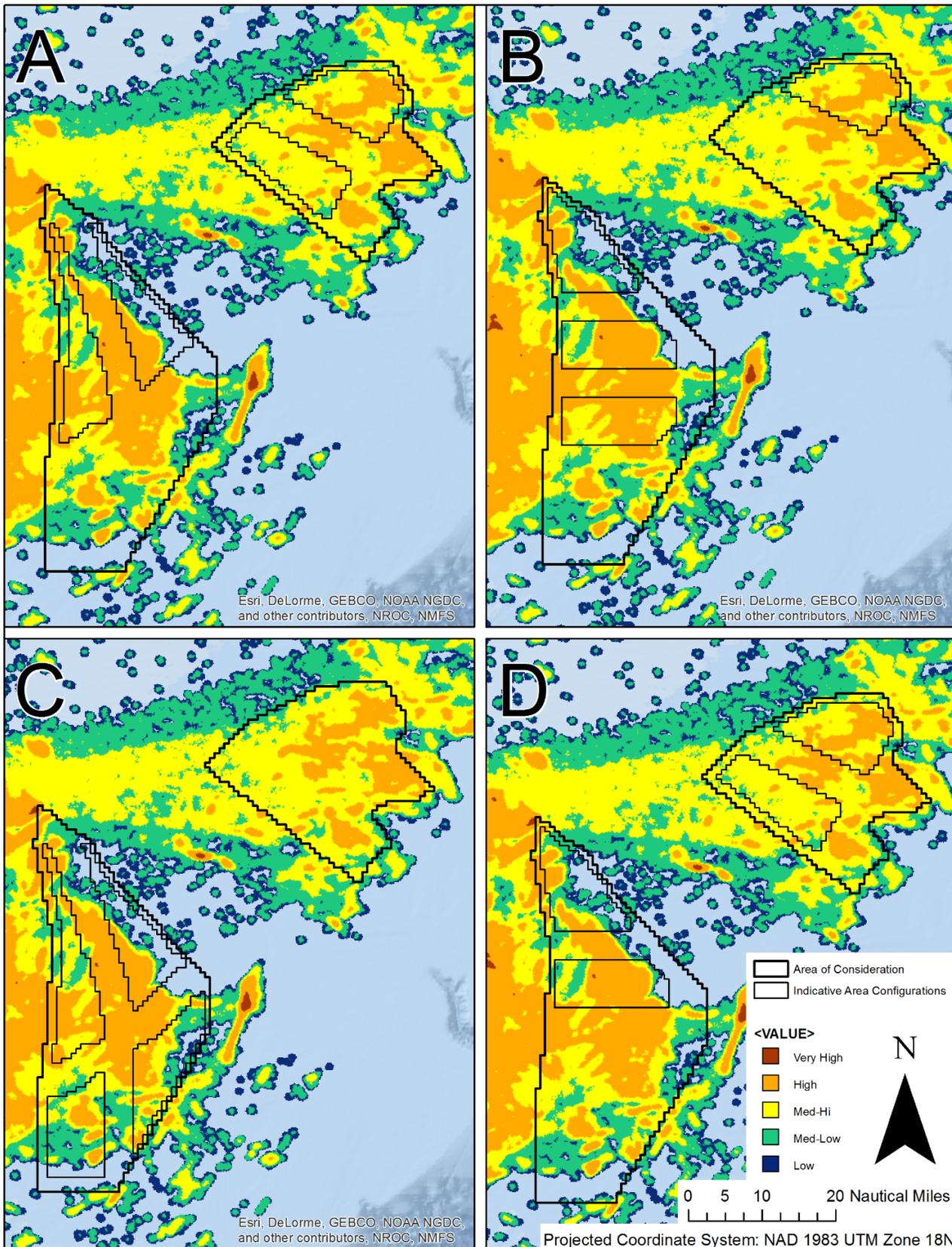


Figure 5. Indicative Area Configurations and Area for Consideration overlaid on surfclam/ocean quahog VMS data from 2006-2010. VMS data from the Northeast Ocean Data Portal (<http://www.northeastoceandata.org>). Map produced by the RI DEM Division of Marine Fisheries on 10/23/2017.

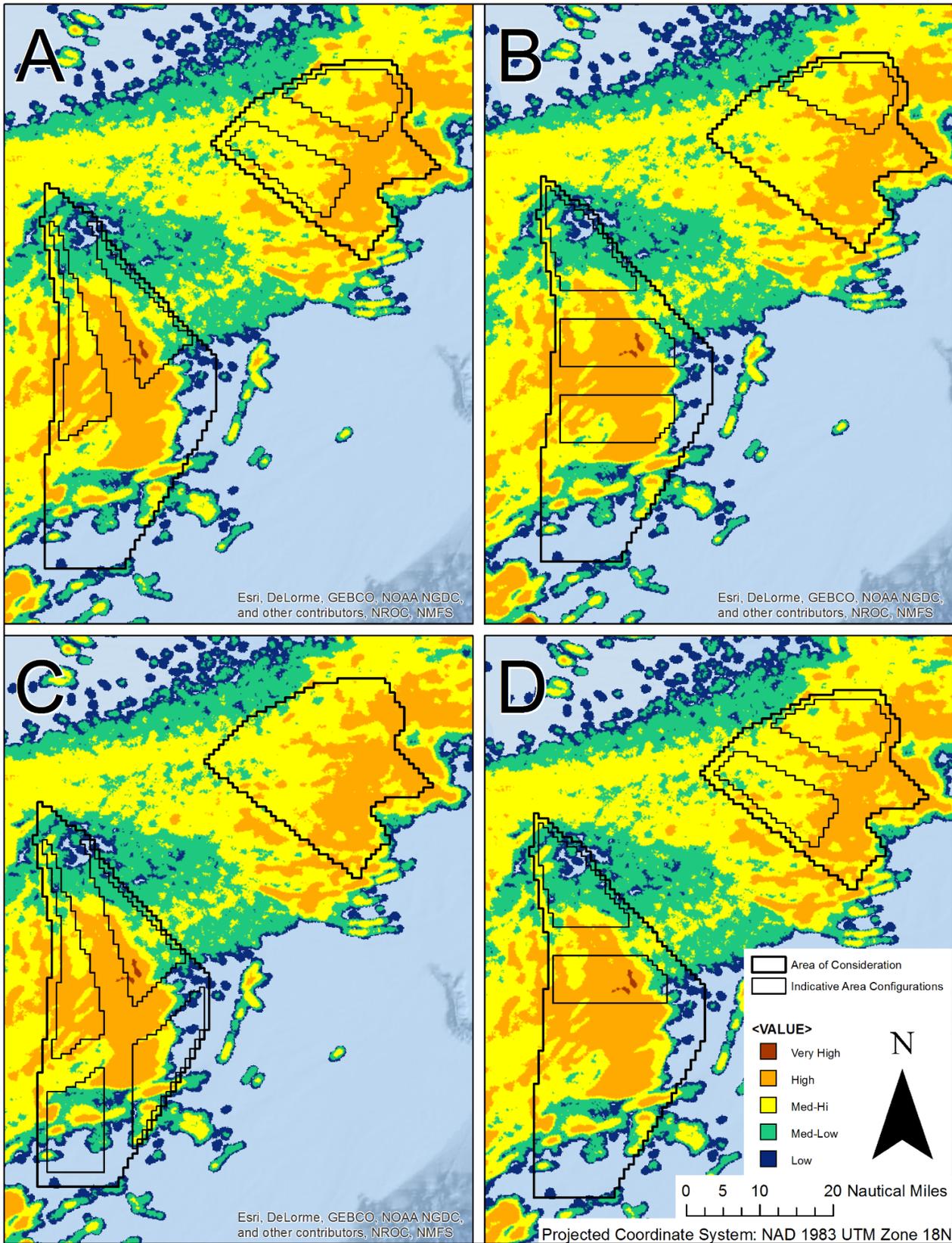


Figure 6. Indicative Area Configurations and Area for Consideration overlaid on surfclam/ocean quahog VMS data from 2012-2014. VMS data from the Northeast Ocean Data Portal (<http://www.northeastoceandata.org>). Map produced by the RI DEM Division of Marine Fisheries on 10/23/2017.

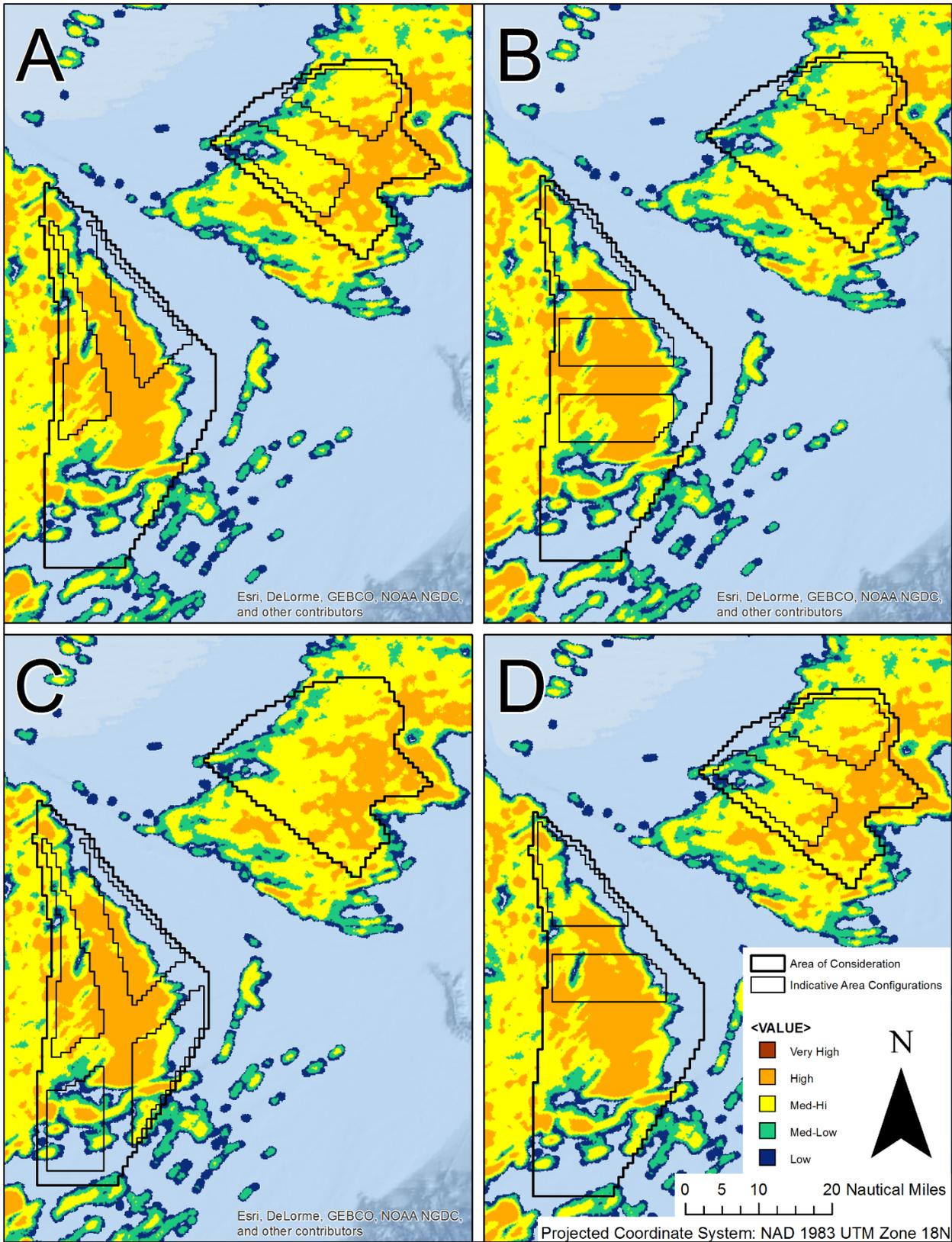


Figure 7. Indicative Area Configurations and Area for Consideration overlaid on surfclam/ocean quahog VMS data (<4 knots) from 2012-2014. VMS data from the Northeast Ocean Data Portal (<http://www.northeastoceandata.org>). Map produced by the RI DEM Division of Marine Fisheries on 10/23/2017.