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August 10, 2018

RFI OSW-2018 Comments Large Scale Renewables Team  
New York State Energy Research and Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399

**RE: RFI OSW-2018 Comments**

The Garden State Seafood Association (GSSA) represents the over 1200 commercial fishermen of New Jersey, and the scores of fishing vessels and dock side processors who make up the commercial seafood industry in the State. Our vessels operate and harvest product in areas identified in the Request for Information on Leasing for Wind Power on the Outer Continental Shelf in the New York Bight. We therefore have the potential to permanently suffer significant adverse impacts from BOEM's call and the subsequent offshore wind procurement through NYSERDA will result in loss of fishable area and potential negative impacts to wild fish stocks due to impacts on essential fish habitat (EFH) from offshore development.

**Procurement Schedule**

Question 1 Page 1

How Much Time do Proposers Need to Develop Proposals....

GSSA believes that the procurement and RFP development process is not allowing sufficient time for review and development. This RFI comment request was released on July 23 and comments are expected on a 64 page document and/or 40 questions in roughly three weeks. We in the fishing industry have other careers and cannot commit full time hours to responding to so many RFPs and RFIs by the various federal and state agencies. The process is becoming overwhelming.

Expecting developers and the public to complete all of the vast sections of this RFI and RFP development in this time frame is unrealistic. GSSA believes the time frame does not allow for the true research necessary for the challenges these projects will face at these locations. Thereby, resulting in inaccurate submissions or submissions based on previous projects overseas under very different economic, environmental and regulatory structures. Ultimately we will feel this tight time frame will ram projects through with insufficient review and consideration.

### **Interconnections and Deliverability**

Question 6 Page 2 (46)

GSSA believes there are unique challenges associated with interconnection. First in order to identify locations for projects, interconnection location must be identified first, so that the transmission corridor can be identified. Without an identified transmission corridor, we cannot evaluate the impact on the fishing industry, nor can the state identify the true economic and environmental cost of getting the power to shore.

NYSERDA must require all transmission cables to be buried and maintained at a depth of 6 feet to minimize impact on all commercial and recreational fishing.

### **Economic Benefits**

Questions 28 Page 5 (48)

Fishing Compensation programs should be required with each submission as part of a fisheries mitigation plan. NYSERDA should also require the review, evaluation and grading of these mitigation plans by someone with experience in commercial fishing and fisheries management. The economic impacts should be evaluated with goal of minimizing impacts to the maximum extent possible and insuring funds to compensate impacted parties. These funds should include both funds up front for known impact like the removal of fishermen from fishing ground during construction, and additional funds set aside for unexpected or unintended impacts on the industry. Additionally these programs should not be controlled or managed by developers. The project developers should only fund the program and distribution of funds should be conducted by the state with input from impacted parties.

### **Marine, Environmental and Other Impacts**

Question 32 Page 6 (47-48)

NYSERDA RFPs for each offshore wind energy procurement, must require the developer to work closely with regional fishing industry groups to achieve all of the goals enumerated in the order. The industry and the Councils hold a wealth of knowledge about, and experience with, offshore fisheries and their environment. This experience is not only an enormous asset in and of itself, but is critical to informing emerging offshore renewable energy activities so that conflicts may be avoided, minimized, or mitigated.

Participants in the fisheries that occur in federal waters offshore of New York and New Jersey are homeported throughout the East Coast, and operate their vessels on a regional, not state-level, scale.

These communities have been overwhelmed by the rapid pace and piecemeal approach with which BOEM, the mid-Atlantic states and developers have moved forward with offshore wind energy development proposals. Fishing industry groups have extremely limited resources for meeting the enormous time commitments demanded by these processes, in addition to the fishery management process they are already engaged in. The procurement should therefore require the developer to provide funding necessary for the industry to provide its own representation and input in support of activities to address wind farm impacts.

In addition to engaging directly with fishing industry participants, NYSERDA should require developers to submit their plans for construction, operations, and decommissioning to the regional Fishery Management Councils for review. Specifically, both the New England Fishery Management Council and the Mid-Atlantic Fishery Management Council were statutorily created and charged with managing federal fisheries in the waters being considered for renewable energy leasing offshore of New York and New Jersey. Each council has a committee (the Habitat Committee and Ecosystems and Ocean Planning Committee, respectively), and related Advisory Panels, that consider and manage interactions between managed fish stocks and the physical environment. In order to ensure that renewable energy projects develop in a manner that does not unreasonably impact fisheries, developers should submit information collected pursuant to the scientific inquiries described above to these committees for review and guidance.

Question 33 page 7

There is no environmental data that should be considered proprietary. All data relating to the environment should be made public and peer reviewed.

Question 34 Page 7

The BOEM/NYSERDA RFP process does not assess a wind farm's environmental impacts to its proposed location at the most critical juncture – when it determines the location of the development. Instead, the only in-depth, cumulative, site-specific environmental review of offshore wind leasing projects occurs years after a lease has been issued, the site has been evaluated, and a developer has submitted a construction and operation plan. This is also the point in the process in which possible mitigation measures are considered to offset harm to existing users of the OCS resource. Notably, this stage of the process is likely to occur only after NY has executed their procurement agreements. This is far too late for a meaningful review.

As it stands, potential wind energy facility developers must become heavily invested in a project, including performing assessment activities and signing leases, before NY's duty to protect existing resource uses is addressed. This is wasteful and illogical to all parties involved. These analyses must be completed now as lease lots are being delineated.

We believe the interested developers should fund the State Sponsored environmental research now. A complete EIS should be developed for each potential site to minimize risk paid for by the developer pool. Additionally, a full researched site with clearly identified costs and benefits would be more valuable to the developers bidding on a site. Knowing there are minimal impacts with the environment and or fishing community with a given site would increase the value bid by developers. Conversely, a

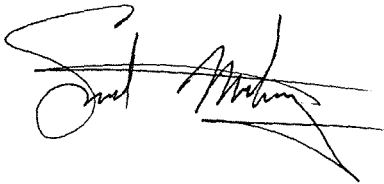
site with more mitigation needs would be less valuable to developers. Without the science on the front end of the process, the potential exists for longer delays, and poor site selection.

Additionally, each one of the proposed four 800MW sites will have an impact economically and biologically on fisheries. These call areas are in addition to existing leases that have already been awarded off of NY, NJ and neighboring States. Each of these sites must be considered cumulatively.

There needs to be baseline biological studies of sites prior to construction. These baselines are necessary to identify the short term and long term impact of each of these projects on each of the managed fisheries. Similarly each one of these projects can have different impact on various species and ports. Seasonal analysis should be completed for each species, each port and each proposed location. Without this type of analysis the true economic impacts cannot be identified on each port community. NYSERDA must do everything it can to minimize the impact on the existing users and their supporting economies. These negative impacts must be evaluated and included in the true cost/benefit analysis of each windmill project.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Scot Mackey", with a stylized flourish at the end.

Scot Mackey

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