



## Long Island Commercial Fishing Association

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Sustainable Fisheries *and* Fishermen for the 21<sup>st</sup> Century

August 10, 2018

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

To Whom it May Concern:

Please accept the following comments on behalf of the Long Island Commercial Fishing Association, representing commercial fishermen from 11 different gear types at 14 ports on Long Island. 99% of all seafood commercially landed in New York is landed at Long Island ports, representing a \$55-million-dollar industry, and from boat to restaurant plate, a \$1-billion-dollar industry.

### **Re: Interconnection and Deliverability**

*6. Are there unique challenges associated with interconnection of offshore wind into downstate New York injection points in New York City and/or Long Island that should be taken into consideration when preparing the RFP? If yes, please identify the challenges.*

The first and foremost consideration re interconnection of OSW to injection points downstate or on Long Island should be that the projects chosen have the “least to no impact” on New York’s commercial fishing industry. When the New York State Public Service Commission (NYSPSC) approved the CES, (Case 15-E-0302) in August of 2016, on page 12 the Commission referred to the standard as benefiting "New York energy consumers and the overall economy by encouraging new investments in the State, **maintaining existing jobs**, and attracting capital from outside the State."

The historical, traditional commercial fishing communities of Long Island, which include hundreds of small business owners, the very tax and rate-payers whose businesses help to support other small businesses throughout Long Island, are ground zero for having their very livelihoods and businesses destroyed by the 50x30 CES initiative unless each and every procurement of Offshore Wind (OSW) chosen by New York State and NYSERDA are required to have a zero to low impact to its state’s commercial fishing industry, in terms of size, location,

siting, spacing, construction, transmission lines and depth, and operation and decommissioning of an OSW project. A third-party negotiated and approved by industry fisheries mitigation plan submitted by the applicant should be the only way for a NYSERDA project to move forward.

### **Bid price evaluation**

22. *NYSERDA retains the authority to reject all bids (Order, p. 43). What factors other than the maximum acceptable bid metric should be considered when determining whether to select or reject bids?*

All bids without an independent third-party negotiated and approved by the commercial fishing industry, fisheries mitigation plan should be rejected by NYSERDA. One similar to that which was listed below as a precursor of any approval by the Rhode Island Coastal Resource Mgt Council for any offshore wind project, requiring the “negotiation of mitigation agreements shall be a necessary condition of any approval.” One in which the applicant must pay for all phases of the mitigation through a dedicated escrow account.

### ***Ocean Special Area Management Plan***

4. For the purposes of Sections 560.1-560.2, mitigation is defined as a process to make whole those fisheries user groups that are adversely affected by proposals to be undertaken, or undertaken projects, in the Ocean SAMP area. Mitigation measures shall be in consonance with the purposes of duly adopted fisheries management plans, programs, strategies and regulations of the agencies and regulatory bodies with jurisdiction over fisheries in the SAMP area, including but not limited to those set forth above in 560.1.2. Mitigation shall not be designed or implemented in a manner that substantially diminishes the effectiveness of duly adopted fisheries management programs. Mitigation measures may include, but are not limited to, compensation, effort reduction, habitat preservation, restoration and construction, marketing, and infrastructure improvements. Where there are potential impacts associated with proposed projects, the need for mitigation shall be presumed. Negotiation of mitigation agreements shall be a necessary condition of any approval or permit of a project by the Council. Mitigation shall be negotiated between the Council staff, the FAB, the project developer, and approved by the Council. The reasonable costs associated with the negotiation, which may include data collection and analysis, technical and financial analysis, and legal costs, shall be borne by the applicant. The applicant shall establish and maintain either an escrow account to cover said costs of this negotiation or such other mechanism as set forth in the permit or approval condition pertaining to mitigation. This policy shall apply to all Large-Scale Offshore Developments, underwater cables, and other projects as determined by the Council.

### **Economic benefits**

28. *If a fishing compensation program is submitted in conjunction with the fisheries management plan, how should the proposer quantify the economic impacts? How should the fishing compensation plan be considered along with other economic benefits (Order, p. 48)?*

There are no economic benefits to the commercial fishing industry from OSW that have any relationship to how we make our living, by catching fish.

The CES 50 by 30, 2.4 GW, OSW “solution” could ultimately lead to extreme loss of New York commercial fishing jobs by usurping our fishing grounds, thereby limiting our access to fish and thereby lowering our wages, and destroying their productivity through construction and operation of OSW sites.

Working as a site operator in a boat ferrying back and forth supplies to an OSW WEA site is NOT a commercial fishing job. It should be quantified by creating a program where there is no net loss of commercial fishing jobs, nor landings of fish due to displacement of fishing gears to fishing grounds.

The fishing compensation plan should compensate for all short, medium and long term wage losses to the commercial fishing industry, in addition to loss of fishing grounds and loss or damage to gear and boats, plus losses association with being forced to steam farther to other grounds due to displacement by OSW siting.

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

*31. The Commission Order references that the Offshore Wind Master Plan and its incorporated study that concluded that a 20-mile setback from any coastal position would minimize visual impacts during most times of day (pp. 49-50). NYSERDA has the discretion to tailor the setback requirement if it determines that a modified approach is necessary to optimize the overall environmental and economic benefits. a. What factors should NYSERDA consider in determining the RFP’s setback requirement?*

Under no circumstances, should the setback force commercial fishermen off of historic and traditional fishing grounds because of the perceived need to “minimize visual impacts.”

*32. The Order includes a number of provisions relating to environmental concerns and commercial fishing interests (Order, pp. 47-48) including the development of best management practices and the submission of a fisheries mitigation plan. a. Are there examples of best management practices that could serve as a useful starting point for environmental and commercial fishing considerations?*

BOEM’s best management practices from 2015 would be a good starting point, as they spent a year working with industry up and down the coast to determine what they would be. A comprehensive fisheries monitoring, mitigation and compensation if need be plan for all stages of OSW development from siting to decommissioning with all in between.

*b. What information should proposers be required to provide in their fisheries mitigation plan to demonstrate potential mitigation measures in this area? What level of specificity is appropriate?*

The plan must be negotiated by an independent third-party, paid for by the applicant, and approved by the commercial fishing industry, with a group such as the Responsible Offshore Development Alliance, (RODA).

*c. What commitment should proposers provide regarding how they will work with the commercial fishing communities to design and operate sites that provide the greatest practical access for commercial fishing (by gear type) and for commercial vessel (and other maritime shipping interest) navigation and transit through turbine arrays*

It must be negotiated and approved by industry in order for NYSERDA to grant them a procurement.

*33. The Order requires that environmental data collected by the developer be made publicly available, except data normally considered proprietary. What environmental data collected by developers should be made publicly available and what data should be considered proprietary?*

Environmental data must be defined and approved by the F-TWG commercial fisheries representatives before a decision should be made as to what is proprietary.

*34. The Order suggests that NYSERDA file a proposed revision to the Environmental Research Program's Clean Energy Fund Investment Plan to support offshore wind environmental research. a. How much funding should be made available to support State-sponsored environmental research, and over what timeframe?*

At minimum, 15 years of research should be done, before, during and after construction through operation, with a minimum of three pre construction, and seven post construction.

*b. How could these funds be used to best reduce risk and advance responsible development of offshore wind?*

By working with the commercial fishing industry and their representatives to achieve an appropriate responsible development. A group such as RODA, along with the NEFSC and NOAA.

*41. Are there any other topics or risks that NYSERDA should consider in drafting the RFP?*

The F-TWG commercial fishing representatives and/or their chosen representatives, must be the evaluators of (redacted applicant) OSW fishery monitoring and mitigation plans, prior to procurement choice, to score for as to which is the best for procurement by NYSERDA.

Sincerely  
Bonnie Brady  
Executive Director, LICFA