

Fisheries Mitigation Plan for Attentive Energy One

Version 1.0

Prepared pursuant to [contract number, date (TBD)]

with

New York State Energy Research and Development Authority

Albany, NY

Prepared by

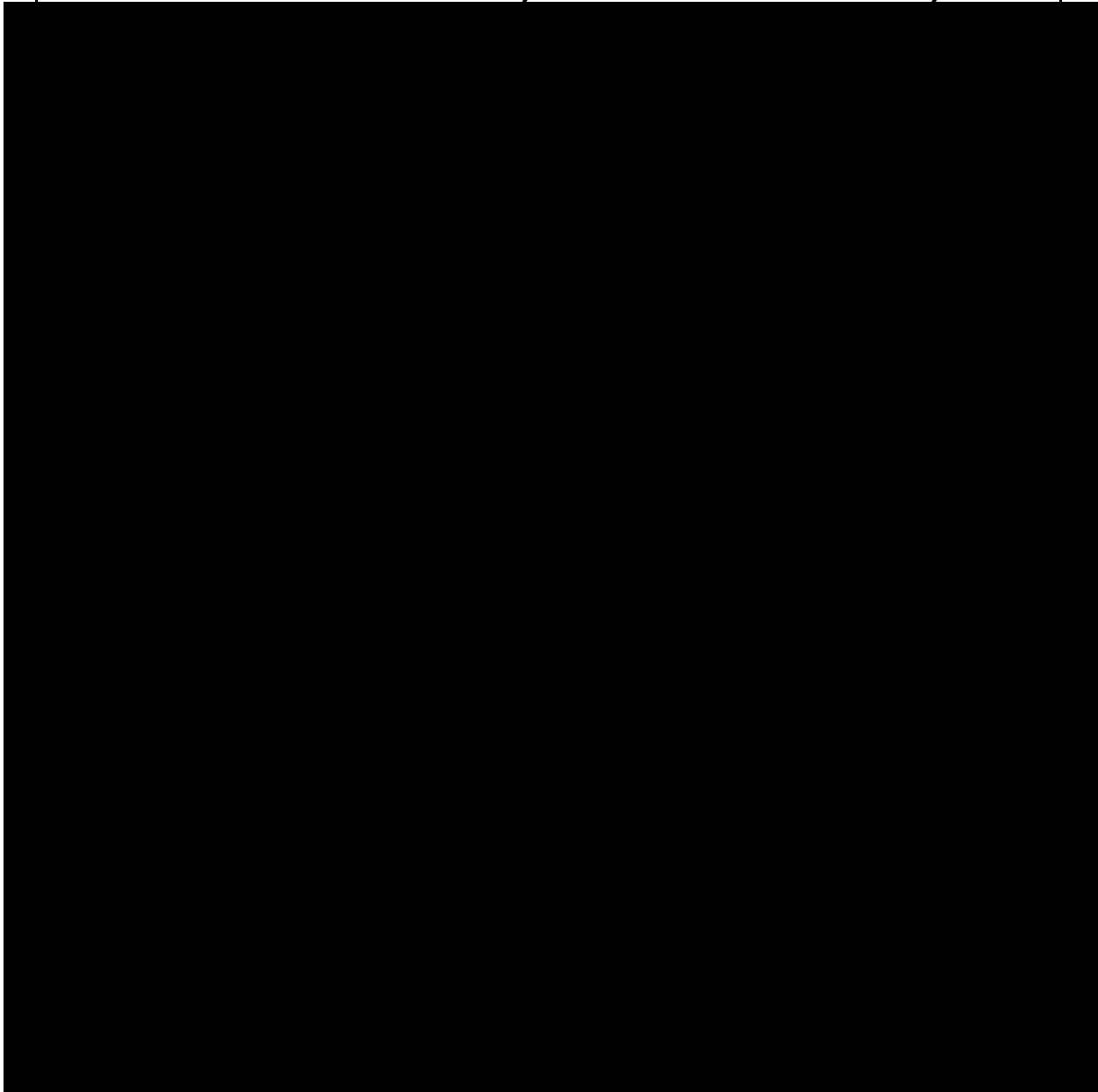
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January 2023

Communication Officers, Contact Information, Links



Links to Project Information:

Project website: www.attentiveenergy.com

Twitter: @ThisIsAttentive

LinkedIn: [Attentive Energy](#)

To learn more about Attentive Energy's commitment to fisheries, visit <https://attentiveenergy.com/fishermen/>

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1. Fisheries Mitigation Plan Summary

1.1 Overall philosophy and principles

This section should describe the overall philosophy and principles the developer will follow to avoid, minimize, restore, and off-set potential fisheries impacts.

- Attentive Energy’s FMP aims to balance the interests of responsible offshore wind energy development with those of commercial and recreational fishermen who rely on marine resources in the Project Area.
- The practices outlined in this FMP will be employed in parallel with those described in the EMP to achieve an overall Project goal of no net loss of biodiversity and no net loss of commercial fishing revenue..
- Attentive Energy began working collaboratively with the fishing community and marine stakeholders in 2018 and in 2020 established its Fisheries Communication Plan (FCP), with the goal of prioritizing safety, optimizing on-water activities, and considering fisheries resources and activities throughout all phases of the Project.
- The FMP outlines the steps Attentive Energy has taken, and will take, to work collaboratively with the State, Federal agencies, and other stakeholders to define avoidance, minimization, and mitigation measures for the Project. This FMP also details how Attentive Energy will account for the potential adverse impacts to fisheries resources throughout the Project’s lifecycle.
- The FMP also describes Attentive Energy’s Fisheries Monitoring and Ecosystem Research Program, including its research initiatives, strategy, collaborators, and data collection processes aimed at ecosystem-level research and fisheries-specific monitoring.
- Attentive Energy strives to evaluate potential Project impacts and base decisions on an objective, science-based analysis of the various Project phases. Where impacts cannot be avoided or minimized, Attentive Energy will implement mitigation practices using this FMP as a guide.

1.2 Overall approach to incorporating data and stakeholder feedback

This section should describe how the developer will use research, data, and stakeholder feedback to update the FMP and support decision-making throughout the life cycle of the project (pre-construction, surveys, site design, construction, operations, and decommissioning).

- Attentive Energy will seek consultation and coordinate with relevant stakeholders.
- Attentive Energy will review existing research and data and seek input from stakeholders regarding data gaps to inform decisions made throughout the Project life cycle.
- Attentive Energy will review and seek input from stakeholders on proposed and conducted survey rationales and methodologies as well as design, construction and operation, and decommissioning plans for the Project.
- To the extent that the timeline allows, pre- and post-construction monitoring will be designed to improve the understanding of impacts of offshore wind energy development and operations on fisheries.
- Attentive Energy expects feedback from the fishing and research communities, and that other stakeholders will continue to inform Project design, planning, and operations in a manner beneficial

to all parties, and will update the FMP accordingly, based upon this feedback.

1.3 Existing guidance and best practices that will be followed

This section should present a list of existing guidance documents, publications, tools, and/or plans that will be followed to support the FMP. Include links, if available, for all references.

- Attentive Energy’s Fisheries Communication Plan (FCP) provides an overview of Attentive Energy’s overall approach to offshore wind development and consideration of fisheries resources. The principles of the FCP have been adopted for the Attentive Energy Project and the plan itself can be found here: [ATT-FSH-COM-PLN-ATT-000001_2_IFU_20220823_Attentive-Energy-Fisheries-Communication-Plan.pdf \(attentiveenergy.com\)](#)
- To achieve the objective of cooperation, Attentive Energy has been and will continue to follow industry best practices, including, but not limited to:
 - BOEM Guidelines for Mitigating Impacts to Commercial and Recreational Fisheries on the Outer Continental Shelf (draft Issued 23 June 2022);
 - OCS Study BOEM 2014-654 - Development of Mitigation Measures to Address Potential Use Conflicts between Commercial Wind Energy Lessees/Grantees and Commercial Fishermen on the Atlantic Outer Continental Shelf, Bureau of Ocean Energy Management;
 - Best Practice Guidance for Offshore Renewables Developments: Recommendations for Fisheries Liaison - Fishing Liaison with Offshore Wind and Wet Renewables Group (FLOWW), UK;
 - Bureau of Ocean Energy Management (BOEM) 2020 – Guidelines for Providing Information on Fisheries Social and Economic Conditions for Renewable Energy Development on the Atlantic Outer Continental Shelf Pursuant to 30 Code of Federal Regulations (CFR) Part 585, available at <https://www.boem.gov/sites/default/files/documents/aboutboem/Social%20%26amp%3B%20Econ%20Fishing%20Guidelines.pdf>;
 - BOEM 2019 – Guidelines for Providing Information on Fisheries for Renewable Energy Development on the Atlantic Outer Continental Shelf Pursuant to 30 CFR Part 585, available at <https://www.boem.gov/sites/default/files/renewable-energyprogram/BOEM-Fishery-Guidelines.pdf>;
 - New York States Offshore Wind Master Plan: Fish & Fisheries Study, Section 6 and Appendix D (2017);
 - BOEM 2019. Guidelines for Providing Benthic Habitat Survey Information for Renewable Energy Development on the Atlantic Outer Continental Shelf Pursuant to 30 C.F.R. Part 585, available at <https://www.boem.gov/sites/default/files/renewable-energy-program/RegulatoryInformation/BOEM-Renewable-Benthic-Habitat-Guidelines.pdf>;
 - NMFS EFH mapper tool <http://www.habitat.noaa.gov/protection/efh/habitatmapper.html>
 - [REDACTED]
 - Experience gained from collaborating with the fishing industry in TotalEnergies offshore wind energy developments in other locations around the world; and
 - The application of lessons learned from other US offshore wind projects.

2. Communications and Collaboration Approach

2.1 Overview and communication plan objectives

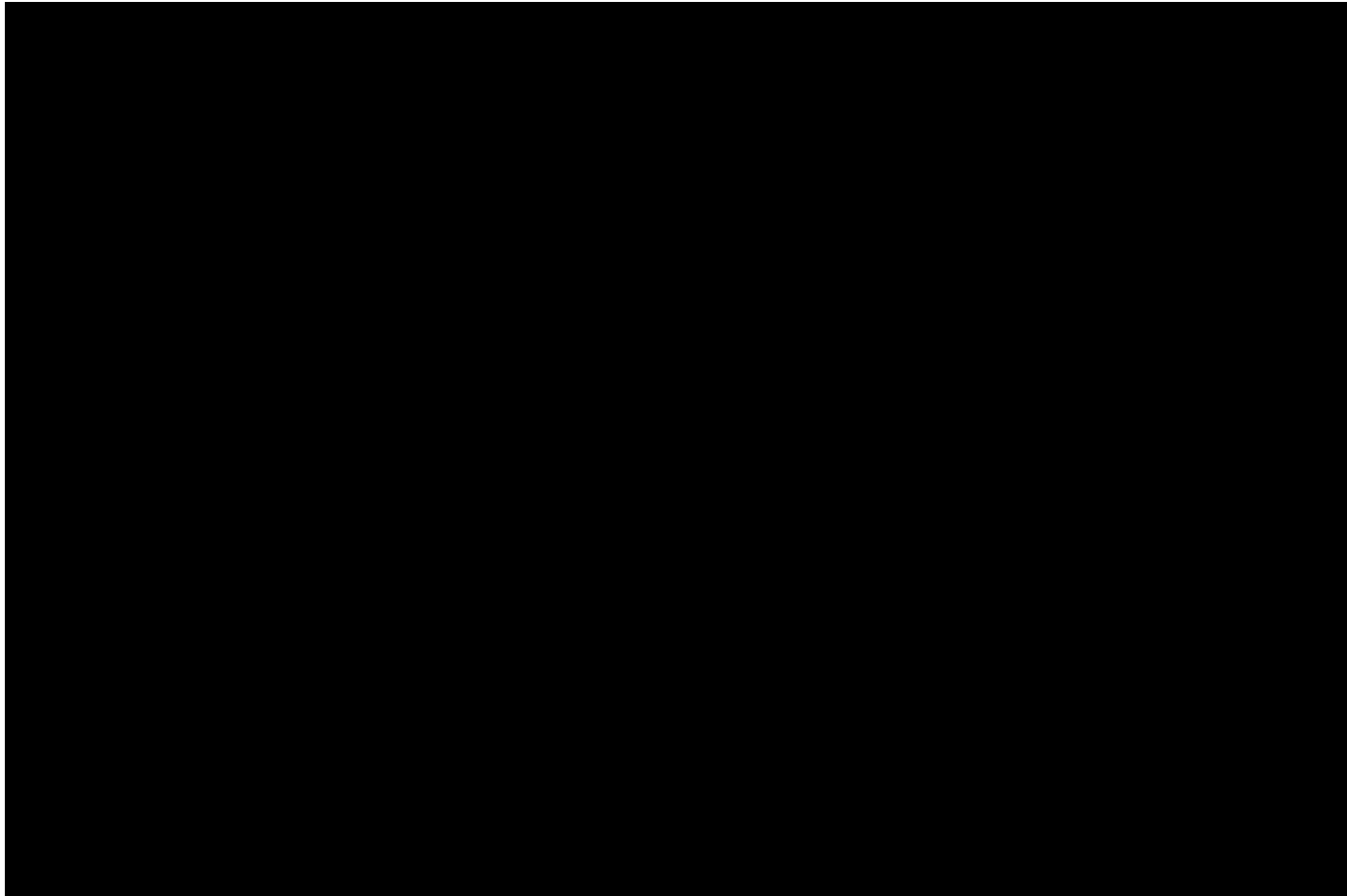
This section should provide an overview of the communication plan and objectives and its importance in fisheries mitigation.

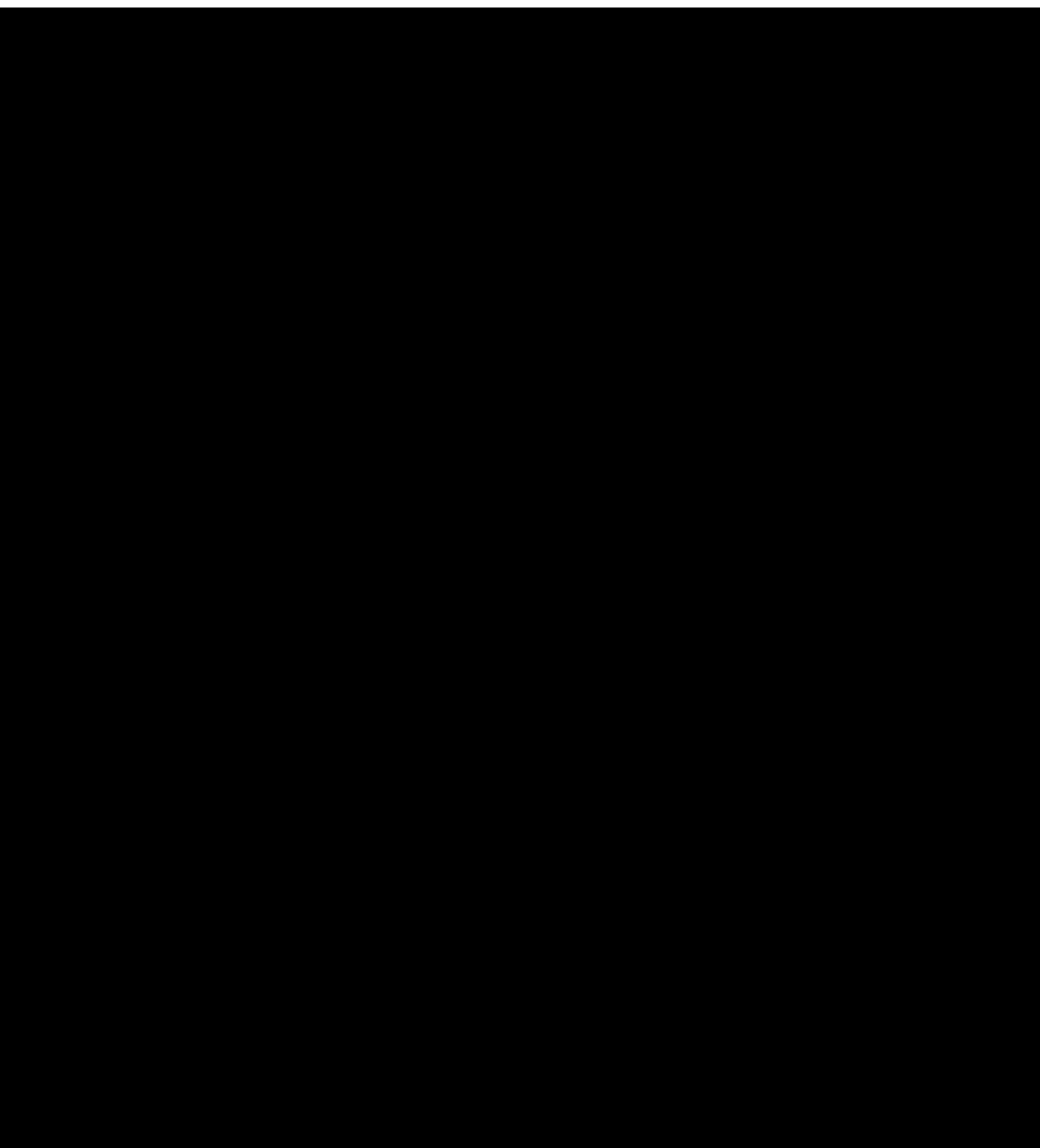
- Attentive Energy will seek methods and processes to allow for a two-way flow of information between key stakeholders and developers and will highlight how feedback informs our decision-making.
- Attentive Energy will provide updates to the fishing industry stakeholders in an appropriate manner that is easily accessed and widely distributed.
- Attentive Energy will seek collaboration with the fishing industry to use technical applications to enhance communication and coordination for all on-water activities.
- The Attentive Energy Fisheries Communication Plan ([ATT-FSH-COM-PLN-ATT-000001_2_IFU_20220823 Attentive-Energy-Fisheries-Communication-Plan.pdf](https://www.attentiveenergy.com/ATT-FSH-COM-PLN-ATT-000001_2_IFU_20220823_Attentive-Energy-Fisheries-Communication-Plan.pdf) ([attentiveenergy.com](https://www.attentiveenergy.com))) was developed using:
 - OCS-A 0538 Lease Stipulations;
 - BOEM (2014) Development of Mitigation Measures to Address Potential Use Conflicts between Commercial Wind Energy Lessees/Grantees and Commercial Fisherman on the Atlantic Outer Continental Shelf, Final Report on Best Management Practices and Mitigation Measures;
 - BOEM (2020) Guidelines for Providing Information on Fisheries Social and Economic Conditions for Renewable Energy Development on the Atlantic Outer Continental Shelf Pursuant to 30 CFR 585;
 - BOEM (2022) Draft Guidelines for Mitigating Impacts to Commercial and Recreational Fisheries on the Outer Continental Shelf Pursuant to 30 CFR 585;
 - Recommendations from the Mid-Atlantic and New England Fisheries Management Councils;
 - Moura et al. (2015) Options for Cooperation between Commercial Fishing and Offshore Wind Energy Industries; and
 - Communications with the commercial and recreational fishing industries, and our Fisheries Liaison’s years of experience in the fishing community.
- The objectives of the Attentive Energy Fisheries Communication Plan are as follows:
 - Safety: Identify safety concerns and improve safety for commercial and recreational fishermen who use and transit through and fish within the wind farm area and along the cable route to shore.
 - Awareness: Enhance awareness of the Project and the BOEM offshore wind permitting process to emphasize the opportunities for engagement the recreational and commercial fisheries industries will have throughout Project planning, design, and development.
 - Collaboration: Incorporate fishing communities’ experience into Attentive Energy’s decision-making throughout Project planning, design, and development.
 - Science Based: Use the best available science and data to identify any conflicts with the fishing community and impacts to fisheries resources and ensure those conflicts and impacts have been

- wholly considered and alleviated wherever feasible.
- Open and Accountable: Make available to the commercial and recreational fishing industries consistent and dependable communication channels throughout all Phases of the Project.
 - Proactive: Develop and present a communication strategy that minimizes conflicts and sets a process for resolving differences between the fishing communities and the Project.
 - Attentive Energy’s communications and engagement philosophy is rooted in three commitments:
 - Communicating frequently and proactively throughout the life of the Project (i.e., from pre-construction to decommissioning);
 - Understanding stakeholder concerns and interests; and
 - Developing actionable objectives where practical to address stakeholder concerns and interests.
 - Each commitment is based on understanding a communities’ needs, considering and incorporating feedback, and maintaining a responsive dialogue with stakeholder groups

2.2 Communication officers/positions, responsibilities, and contact information

This section should provide a list of communication officers, their role, and name and contact information. The list should provide stakeholders with an understanding of who should be called for a particular issue or question. It should also include links to the project website so readers know where to find additional information.





Project Website: <https://www.attentiveenergy.com/>
Fisheries Website: <https://attentiveenergy.com/fishermen/>

2.3 Identification of fishing industry stakeholders

This section should describe the process by which stakeholders relevant to fisheries and the fishing industry will be identified and classified by stakeholder group.

- Attentive Energy began engaging with the commercial and recreational fishing communities associated with the Project Area in 2018, prior to being awarded the Lease Area, and has used this time to develop connections and network with other developers and members of the fishing community.
- Fishing industry stakeholders have been and will be identified through various channels and include, but are not limited to the following:
 - Attentive Energy’s on-line survey;
 - Contacting fishing industry leaders known through the combined experience of the FLO and Marine Affairs Manager;
 - Contacting fishing industry association leaders;
 - Attending Fishery Management Council meetings;
 - Attending meetings and conferences related to offshore wind and fisheries interactions;
 - Manning stands at commercial and recreational fishing forums;
 - Recommendations from state and federal fisheries staff;
 - Fisheries Management Council Advisory Panel lists online;
 - Public comments and documents online;
 - Automatic Identification System (AIS) monitoring including ship identification;
 - Fishing vessels identified offshore during surveys by the OFLO;
 - NMFS permit holder lists online;
 - Port visits;
 - Fisheries contacts information referenced in NYSERDA’s New York State Offshore Wind Master Plan Fish and Fisheries Study (NYSERDA, 2017; Appendix J);
 - Word of mouth from the fishing community;
 - Contacting those who participate in surveys and other electronic outreach activities; and
 - Contacting attendees to Attentive Energy fisheries outreach events.

2.4 Participation in stakeholder and technical working groups

2.4.1. Communication with F-TWG

This should describe the communication and collaboration approach with members of the F-TWG and consultations.

- Attentive Energy will dedicate project specific technical resources to the F-TWG.
- To the extent possible, Attentive Energy will work with and attend future F-TWG meetings and sponsored conferences.
- Attentive Energy has identified [REDACTED] as its primary and secondary core members of the F-TWG, respectively.
- Attentive Energy will ensure that the goals of the FMP are met by presenting on all aspects of the Attentive Energy Project to the F-TWG during workshops, conferences, and meetings at appropriate timing intervals and evolve the FMP to reflect feedback

collected by the fishing community.

2.4.2. Communication with other New York State agencies

This should describe communication with New York State agencies during each phase of the project.

- Attentive Energy is committed to continuing consultation with New York State agencies throughout the development of this project, in accordance with the Agency Communications Plan for the Project ([ATT-GEN-COM-PLN-ATT-000001_0_IFA_20221014_Attentive-Energy-Agency-Communications-Plan.pdf](#) (attentiveenergy.com)).
- Consultations with New York State agencies will focus on project development updates and schedules, benthic and fisheries resources, fisheries outreach and cooperation, and identifying research priorities for the state at appropriate times throughout the Project's lifecycle.
- Attentive Energy will provide a copy of the Construction and Operations Plan (COP) to consulting State Agencies at the time it is submitted to BOEM.
- Attentive Energy will meet/engage with consulting State Agencies that request a meeting to discuss the COP and any concerns.
- The New York State agencies to be consulted include:
 - New York Department of State;
 - New York State Department of Environmental Conservation;
 - New York State Office of Parks, Recreation and Historic Preservation;
 - New York State Department of Public Service;
 - New York Office of General Services; and
 - New York State Energy Research and Development Authority.

2.4.3. Communication with other stakeholder and working groups

This should describe any relevant participation with other stakeholder groups, such as international fisheries groups, that would help inform the FMP.

- Attentive Energy will seek to collaborate with other regulatory agencies and stakeholder groups and consider memberships and participation in such collaborative efforts.
- Attentive Energy is currently a member of both the NYSEDA F-TWG and E-TWG as well as the RWSC, ROSA, and the ACP.
- Attentive Energy will continue to engage with the fishing community via through implementation of its Fisheries Communication Plan (FCP).
- In October 2021, Attentive Energy initiated a direct mail and online Fishing Community Survey to over 3,000 fishermen and mariners in the New York Bight and surrounding region . The survey is still open, and we encourage fishermen to share their information and feedback at www.attentiveenergy.com/fishing-survey
- Attentive Energy will seek to collaborate with other regulatory agencies and stakeholder

groups and consider memberships and participation in such collaborative efforts, in particular Attentive Energy will focus on collaborating with the following organizations:

- NYSERDA F-TWG
 - NYSERDA E-TWG
 - ROSA
 - RWSC
 - ACP
 - RODA
 - Mid-Atlantic Fisheries Management Council
 - New England Fisheries Management Council
 - Massachusetts Lobstermen's Association
 - Massachusetts Fisheries Working Group
- Attentive Energy will continue to collaborate with the following Federal regulatory agencies, in accordance with the Agency Communications Plan established for the Project ([ATT-GEN-COM-PLN-ATT-000001_0_IFA_20221014_Attentive-Energy-Agency-Communications-Plan.pdf \(attentiveenergy.com\)](#)) :
 - BOEM
 - NOAA NMFS
 - USACE
 - USFWS
 - EPA
 - National Park Service
 - USCG
 - Attentive Energy will also continue to collaborate with academic institutions to identify research priorities and further expand upon baseline environmental data.

2.4.4. Communication and collaboration with other developers

This should describe any relevant participation and collaboration with other developers in the offshore space, with a focus on communication and collaboration with adjacent leaseholders. This may include but is not limited to shared research efforts, coordination of survey methods, or standardization of navigational and safety protocols.

- Attentive Energy shall seek to maximize the impact of research efforts such as data collection, methodology, analysis and dissemination by collaborating with other developers, particularly those in adjacent lease areas, taking on similar initiatives.
- Attentive Energy has been and will continue collaborating with other offshore wind developers within the New York Bight, and other regions throughout the U.S. , to ensure that information (including fisheries data) is publicly available to fishermen and other stakeholders, as appropriate.
- Attentive Energy's FLO regularly attends joint developer events, including:
 - Fishing ports from Long Island, New York to New Bedford, Massachusetts,
 - New England and Mid-Atlantic Fisheries Management Council Meetings,
 - Biweekly meetings with the ACP Fisheries Subcommittee, which includes other

- developers;
- ACP’s newly formed recreational fishing steering committee.
- Attentive Energy recognizes the potential for stakeholder fatigue and commits to being sensitive to this when conducting outreach activities.

2.5 Communication methods and tools

2.5.1. Methods by phase

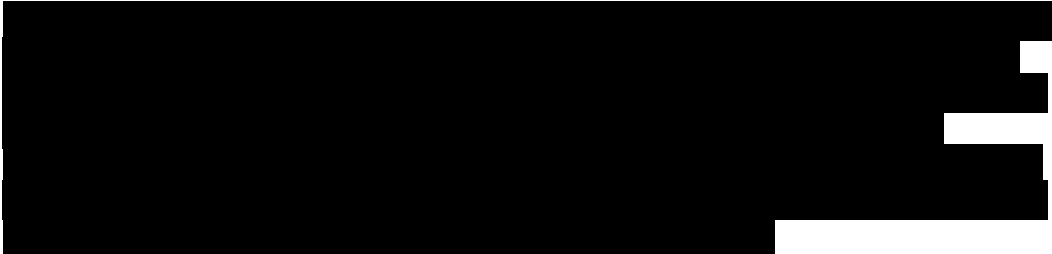
This section should describe the communication and outreach methods and tools that will be employed for each stakeholder group during each phase of the project.

Proposed Outreach Methods/Tools	Phase*			
	1	2	3	4
Updating the Attentive Energy Fisheries Webpage (to include upcoming outreach events, survey activities, construction activities, and readouts of past Attentive Energy Fisheries Outreach Events).	X	X	X	X
Maintain contact with FR’s	X	X	X	X
Maintain contact and participation with the F-TWG	X	X	X	X
Contact with Fisheries Associations / Organizations	X	X	X	X
Surveys / Requests for Feedback	X	X	X	X
Presentations at fisheries conferences, webinars, meetings, and exhibitions	X	X	X	X
Publishing in fisheries specific newsletters (to include project overview, schedules, meetings; requests for information; contact information and other information)	X	X	X	X
USCG Local Notice to Mariners (LNM)	X	X	X	X
Email distribution to established contacts updating them on project progress, survey and construction activities, and outreach events.	X	X	X	X
Social media postings via LinkedIn, Twitter, Facebook, and Instagram.	X	X	X	X
Holding fishing port office hours and information sessions	X	X	X	X
Employment of Onboard Fisheries Liaison Officers and/or use of scout vessels	X	X	X	X
VHF-marine radio for two-way communication between Project and fishing vessels	X	X	X	X

Virtual reality technology workforce training with demonstrations providing perspective on WTG layouts, spacing for safe navigation.	X	X	X	X
<i>*Phase: 1: Survey/Design; 2: Construction; 3: Operation; 4: Decommission</i>				

2.5.2. Communication with vessels

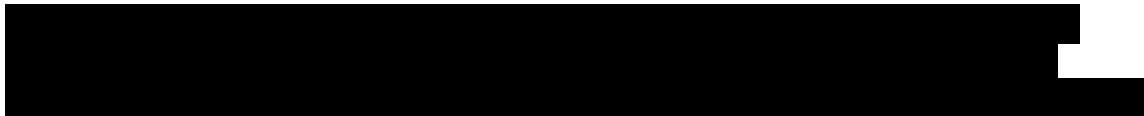
This section should describe communication methods/tools with vessels actively fishing in areas in or adjacent to the Project area during site assessment and construction activities and facilitate proper notification to vessels and resource managers.

- To avoid fisheries conflicts, to the greatest extent practicable, Attentive Energy will seek to employ a fishing captain or other experienced fishing industry representative to be onboard vessels during key time / activities where potential conflicts could be greatest.
- 
- Attentive Energy will also, to the greatest extent possible, look to hire Offshore Fisheries Liaison Officers to take part in offshore activities (surveys, construction, etc.) and whose responsibility it will be to communicate to fishing vessels within the Project Area as outlined by its Fisheries Communication Plan.
- Where appropriate, Scout Vessels acting on behalf of Attentive Energy will monitor for the presence of static fishing gear, identify owners and contact details, and relay the information to site assessment/construction vessels/OFLOs and the FLO in order to avoid potential interactions between fishing and survey gear.

3. Monitoring and Research Pre-, During, and Post-Construction

3.1 Identification of scope of monitoring activities/studies

This section should provide an overview of the anticipated monitoring activities, including how the specific scope of monitoring activities will be identified and what types of scientific questions will be addressed.

- Attentive Energy will ensure that monitoring methods and scientific designs meet the highest scientific standards and should follow guidance mentioned in the Offshore Wind Project Monitoring Framework and Guidelines developed by ROSA.
- To the greatest extent practicable, Attentive Energy will ensure fisheries and related research be performed onboard commercial and recreational fishing vessels. These vessels will meet all appropriate regulatory safety and scientific standards prior to the beginning of any monitoring activity.
- Attentive Energy has developed a Fisheries Monitoring and Ecosystem Research Program that will be applied during every phase of the project. Development of this program was informed through engagement with the fisheries community and active participation in ROSA, RWSC, and the F-TWG.
- Studies outlined in this section will complement the ecosystem studies outlined in Section 4.
- Attentive Energy referenced relevant guidance documents to inform the design and implementation of the Fisheries Monitoring and Ecosystem Research Program. These guidance documents include, but are not limited to:
 - BOEM Guidelines for Providing Information on Fisheries for Renewable Energy Development on the Atlantic Continental Shelf Pursuant to 30 CFR 585;
 - BOEM Guidelines for Providing Benthic Habitat Survey Information for Renewable Energy Development on the Atlantic OCS Pursuant to 30 CFR 585;
 - NOAA Fisheries and BOEM Federal Survey Mitigation Implementation Strategy - Northeast U.S. Region;
 - ROSA Offshore Wind Project Monitoring Guidance Document Research and Monitoring Recommendations;
 - RWSC guidance and recommendations under preparation; and
 - The New England Fisheries Management Council Scallop Survey Working Group Meeting and Research Set-Aside Recommendations.
- The goals of the Fisheries Monitoring and Ecosystem Research Program are to:
 - Establish baseline data on the spatial and temporal presence of fish and invertebrates in the Project Area at multiple life history stages including egg, larval, juvenile, adult, and spawning stages, as well as associated fish and invertebrate habitats;
 - Monitor for impacts on these types of life history stages during each phase of the Project to inform mitigation planning for this and future projects;
 - Assess and quantify (to the extent practical) changes from Project activities; and
 - 

- Monitoring efforts will be completed via regional organizations or independently by Attentive Energy and its research partners (or some combination) and will be used to advance responsible development of the offshore wind energy industry, not just the proposed Project.
- The approach and design are being informed by ongoing efforts to identify regional research priorities for offshore wind (e.g., RWSC’s Integrated Science Plan for Offshore Wind and Wildlife, E-TWG’s Synthesis of Regional Research Priorities and Recommendations, ROSA’s Synthesis of the Science).
- As specific study plans within the Fisheries Monitoring and Ecosystem Research Program are finalized, they will become attachments to the FMP.
- Studies undertaken under the FMP will complement those undertaken under the EMP, in order to provide a more complete understanding of the potential effects of the Project on elements of the ecosystem that directly or indirectly affect the fisheries resources.
- Note: Attentive Energy provides its provisional approach to pre- and post-construction monitoring surveys in this FMP; the final design will be developed further through consultation with relevant State and Federal stakeholders.

3.2 Baseline data and characterization approach

This section should describe how baseline data will be established on the spatial and temporal presence of fish and invertebrates in the proposed area of the Project at multiple life history stages including egg, larval, juvenile, adult, and spawning stages, as well as associated fish and invertebrate habitats.

3.2.1. Existing literature and data of benthic and fisheries resources


Describe key existing literature and datasets that are available for baseline characterization.

- Attentive Energy will use existing guidance to inform the design of field surveys (e.g., from BOEM, NMFS, and NYSERDA). Significant relevant data have already been collected in the New York Bight, creating a structure for how future surveys should be implemented.
- To gather existing baseline data for the Project Area, Attentive Energy has identified and reviewed several publicly available data sources, including commercial and recreational fisheries data, studies associated with the Fish and Fisheries Study (2017), and NOAA Fisheries figures and studies. NYSERDA’s Fish and Fisheries Study summarized fisheries-independent surveys that sampled juvenile and adult fish and invertebrates in the waters of the New York Bight, including the:
 - NOAA NEFSC Bottom Trawl Survey;
 - Sea Scallop Dredge Survey, and Clam Survey;
 - NJDEP Ocean Trawl Survey; and
 - Northeast Area Monitoring and Assessment Program’s Nearshore Trawl Survey, jointly operated by the Atlantic States Marine Fisheries Commission and the Virginia Institute of Marine Science.
- NYSERDA’s Fish and Fisheries Study also summarized data collected from NEFSC’s

Ecosystem Monitoring Cruises, which sample planktonic organisms, including fish larvae and eggs.

3.2.2. Data collected of benthic and fisheries resources

This section should describe survey activities undertaken or that will be undertaken by the developer that will inform the baseline characterization of benthic and fisheries resources.

- Building from the information provided by these publicly available baseline studies and data sets, Attentive Energy plans to conduct pre-construction biological monitoring surveys.
- The purpose of pre-construction surveys is to establish a more refined baseline of economically important species through multiple life history stages in the Project Area.
- **Baseline Fisheries Surveys** - Pre-construction fisheries surveys will be conducted to establish a baseline assessment of the seasonal abundance and distribution of economically important species within the Project Area using:
 - Traditional methods: gill or trammel nets, ventless traps, otter trawls (depending on regulatory approval), and plankton tows. Using these proposed sampling gear types is based on current fishing practices and gear in the New York Bight.
 - 
- **Benthic Surveys** - Attentive Energy is currently conducting benthic surveys to delineate and characterize benthic habitats and establish a pre-construction baseline. A “Forward Scouting” approach is being implemented for benthic surveys to fill existing data gaps, ground-truth potential WTG locations and ECRs, and identify siting constraints and opportunities. This approach includes:
 - Collection of high-resolution SPI and PV imagery integrated with seafloor mapping techniques to delineate and characterize areas that will be incorporated into habitat maps.
 - Grab samples collected in the Project Area to help delineate and characterize benthic habitats.
 - Information gathered during the geotechnical and geophysical surveys will be reviewed to further inform the characterization of benthic and fisheries resources.

3.3 Monitor for potential impacts during each phase

This section should describe how potential impacts will be monitored on these types of life history stages during each phase of physical work for the Project (site assessment, construction, operation, and decommissioning) to inform mitigation planning for later phases of the Project as well as for future Projects.

- Attentive Energy will seek to collaborate with other regulatory agencies and stakeholder groups

(e.g., E-TWG, F-TWG, and ROSA) to identify research needs and opportunities.

- Attentive Energy plans to conduct post-construction biological monitoring surveys.
- Surveys conducted during the construction phase of the Project will allow for analyses focused on short-term impacts to economically important species associated with construction activities.
- The purpose of the post-construction surveys is to characterize any changes to the fisheries and benthic assemblage in the Project Area to assess and quantify (to the extent practical) changes attributable to the Project construction activities.
- Attentive Energy will employ the same methodology in order to identify any potential changes due to the Project (fisheries and benthic surveys).

3.4 Assess and quantify changes to fishery resources

This section should describe how changes to fisheries resources will be quantified using statistically sound methods.

- Specific questions and focal taxa will be chosen for the Project either based on site-specific fisheries risk assessment, or in relation to broader regional efforts to assess variation between sites and understand cumulative impacts for sensitive species.
- Monitoring will, to the extent practicable, use appropriate study designs and methodologies to effectively analyze risk prior to construction and evaluate impacts during construction and operation by testing hypotheses and helping to assure statistical power for meaningful data analysis.
- Outside expertise will, if practicable, be consulted during study design and data analysis processes.
- Data collected from the biological surveys will be analyzed with a Before-After-Control-Impact (BACI) analysis to determine whether the abundance and distribution of fishery resources have changed in the vicinity of the proposed Project following its construction.

3.5 Assess potential changes to commercial and recreational fishing activities

3.5.1 Current and historical usage

This section should describe how the proposed Project area is used by commercial and recreational fisheries in the region, including current and historic usage as well as how associated transit routes will be determined.

- Based on information gathered to date, Attentive Energy understands the following for the Project Area:

- [REDACTED]
- [REDACTED]

- [REDACTED]
- Attentive Energy is in the process of further characterizing the current and historic usage of the Project Area, including looking at the following data sets:
 - **Vessel Monitoring Systems** - Fisheries-dependent data collected by NOAA as part of its VMS program will help characterize how the proposed Project Area is used by commercial fisheries. VMS is a satellite surveillance system that monitors the location and movement of commercial fishing vessels. Attentive Energy will compile and analyze:
 - a. VMS data over a three-year pre-construction period.
 - b. [REDACTED]

The compiled VMS data will be used to develop pre -construction maps of fishing intensity within the Project Area. These maps will provide a qualitative evaluation of interactions with fishing in the Project Area.

- **Angler Surveys** - Attentive Energy will also coordinate with ongoing State and Federal fisheries monitoring programs run by NYSDEC, NJDEP, and NMFS to conduct an analysis of fisheries-dependent data collected by angler intercept surveys. During these surveys, fisheries biologists from the agencies will visit fishing access points (e.g., marinas, boat ramps, beaches, and piers) to survey anglers regarding their experience fishing in the Project Area. Information collected from angler intercept surveys will include hours fished, species targeted, species caught, numbers of fish caught, and perceived fishing success relative to other fishing areas. This data will be analyzed to characterize recreational activity prior to construction.
- **Fisheries Representatives** - Attentive Energy will rely on the expertise of its FRs to also support characterizing usage of the Project Area by the recreational and commercial fishing communities of the region.
- Attentive Energy will also rely on information obtained through implementation of its fisheries engagement strategy in order to gauge from both recreational and commercial fishermen how the Project Area is utilized for fishing and navigational purposes

3.5.2 Changes in usage

This section should describe how changes in commercial and recreational fishing patterns will be calculated postconstruction using statistically sound methods.

- Attentive Energy will employ the same methodology in order to identify any potential changes in use due to the Project:
 - **VMS**- Attentive Energy will compile and analyze VMS data and fishery management actions for the entire construction and post-construction periods to evaluate whether commercial fishing activities have changed in the vicinity of the proposed Project following its construction.

- **Angler Surveys-** Angler intercept surveys will also be implemented during and after construction to evaluate whether there are differences in recreational fishing activity in the Project Area. This analysis will evaluate whether the new in-water structures and hard-bottom habitat provided by the WTG and OSS foundations and scour protection produce enhanced recreational fishing opportunities.
- **Fisheries Representative-** The Fisheries Representatives will also support characterizing changes in usage of the Project Area by the recreational and commercial fishing communities of the region.
- Any other feedback from fisheries engagement will also be considered to help describe any change in usage.
- [REDACTED]

3.6 Addressing data gaps

This section should describe how data gaps will be addressed.

- Attentive Energy will seek to work with stakeholders, including regulatory agencies, to identify data gaps to be addressed through surveys or permitting applications.
- Attentive Energy is committed to working with the NYSERDA F-TWG, NOAA NMFS, and the fishing community to identify any fisheries data gaps, recognize sources / studies that can inform these gaps, and agree on methodologies for conducting meaningful research to address these gaps.
- [REDACTED]
- [REDACTED]
- Any data gaps identified will be considered during the development of the surveys and studies to be completed by Attentive Energy and/or its partners.

3.7 Data availability

This section should describe how fisheries data will be made available in accordance with Section 2.2.8 of the RFP.

- Attentive Energy will make non-proprietary environmental and fisheries data publicly available in a format and manner best suited for efficient distribution.
- Accessibility and sharing of monitoring efforts are vital to inform the thoughtful development of future offshore wind projects in the Northeast and Mid-Atlantic Ocean.
- Attentive Energy will make the non-proprietary data collected by survey campaigns and studies (including the data associated with cable corridors) publicly available as outlined in the NYSERDA report, *Wildlife Data Standardization and Sharing: Environmental Data Transparency for New York State Offshore Wind Energy (2021)* and/or other appropriate standardized initiatives that may mature in the industry (e.g., RWSC).
- Attentive Energy is committed to the goals of NYSERDA and ROSA to enhance data compatibility, utility, and survey standardization, as demonstrated by Attentive Energy's recent financial contribution to ROSA to facilitate data management.

4. Supporting Other Research

4.1 Support of collaborative research

This section should describe how opportunities for developing or investing in collaborative research with the fishing industry to collect ecological and/or fishing data will be identified and undertaken. The description must account for the need to coordinate with members of the F- TWG during data gathering and assessment.

- Attentive Energy is an active member of NYSERDA's F-TWG and will engage with the F-TWG during data gathering and assessment.
- Attentive Energy will commit to being an active member of regional science organizations and has already become a member of the Regional Wildlife Science Collaborative for Offshore Wind (RWSC) and the Responsible Offshore Science Alliance (ROSA).
 - The RWSC is a collaborative made up of researchers, developers, federal agencies and NGOs with the goal to advance scientific research to advance environmental/wildlife data collection (research and monitoring) for different species around offshore wind in the NYB in a collaborative manner.
 - ROSA which is an independent organization dedicated to providing for, and advancing regional research and monitoring of fisheries and offshore wind interactions in federal waters through collaboration and cooperation in order to: (a) increase salient and credible data on fisheries and wind development; and (b) increase the understanding of the effects of wind energy development on fisheries and the ocean ecosystems on which they depend.
- Attentive Energy is committing to support other research through a number of means, including by:
 - Providing access to the Project Area for third-party supported scientists conducting studies on the effects of offshore wind development.
 - Participating in collaborative monitoring networks to expand the geographic scope of those networks
 - Providing access to monitoring data collected by Attentive Energy as part of the fisheries monitoring component of the Fisheries Monitoring and Ecosystem Research Program, and
 - Providing financial support for regional monitoring of key commercial fish stocks.
- Attentive Energy is engaging collaborative research consortiums to identify research opportunities and to expand those consortiums' established networks. For example, the acoustic telemetry work proposed by Attentive Energy can be coupled with ACT_MATOS network to identify all the tagged species detected within the study area.

4.2 Handling/processing requests

This section should describe how requests for coordination with third-party supported scientists will be processed - including providing reasonably requested Project data and access to the Project area for independent scientists examining environmental sensitivities and/or the impacts of offshore wind energy development on fish, invertebrates and fisheries for the purpose of publication in peer-reviewed journals.

- Attentive Energy recognizes data collected to support of the Project can be of value for another ongoing environmental research and will aim to provide open-access availability for all non-proprietary data collected during the Project life cycle.
- Attentive Energy will manage data requests on a case-by-case basis, where certain data may be shared under the appropriate non-disclosure agreement.
- Attentive Energy has learned from multiple organizations and researchers that data standardization, storage, and management are top concerns amongst the scientific community. Attentive Energy acknowledges these concerns and will actively endeavor to support efforts addressing them as the Project develops.

4.3 Proposed restrictions

This section should describe any restrictions on data provision or access that may be required to protect trade secrets or maintain site security.

- Attentive Energy will seek to explain why identified data types are considered commercially sensitive.
- Attentive Energy does not intend to restrict access to the Project Area for commercial or recreational fisheries. Access for research studies would be similarly non-restrictive, so long as certain avoidance zones are followed during construction and maintenance activities.

4.4 Financial commitment for third party research

This section should provide a level of financial commitment, if elected, that will be appropriated to leverage third-party environmental research funding related to fish, invertebrates and fisheries, including federal or State-supported research. Or, if elected, provide the level of commitment to a general fund for supporting third-party research into relevant fish and invertebrate communities and associated commercial and recreational fisheries and the effects of offshore wind energy development.

- Contingent upon winning a bid under the Request for Proposals ORECRFP22-1, Attentive Energy agrees to provide financial and technical support for regional monitoring of wildlife and fish and invertebrates that support economically important fisheries.

- [REDACTED]

- [REDACTED]

[REDACTED]

4.5 Proposed or existing commitments/collaborations

This section should describe proposed or existing commitments and collaborations with third-party researchers

in support of monitoring activities and assessing impacts.

- Attentive Energy is developing the Fisheries Monitoring and Ecosystem Research framework to guide its ecosystem research that outlines the research topics that will be addressed through a series of study plans to be developed by Attentive Energy and its research collaborators, expanding upon already-existing projects where possible.
- Attentive Energy is collaborating with the scientific community through the F-TWG, E-TWG, ROSA, RWSC, and NOWRDC. Additionally, Attentive Energy is exploring collaborative opportunities with third-party researchers, regional science organizations, and universities to support the ecosystem research component of the Fisheries Monitoring and Ecosystem Research Program.
- The intent of the Fisheries Monitoring and Ecosystem Research Program is to provide further insight into potential ecological and socioeconomic effects of offshore wind development on the existing marine resources and human uses of the OCS. The research will focus on Project effects on habitat from the introduction of new, complex structure (e.g., foundations and scour protection/cable protection), how these interactions affect the species composition and habitat use by fish and benthic invertebrates, and how changes to the habitat ultimately affect the use of the Project Area by commercial and recreational fisheries.
- To date, Attentive Energy has engaged researchers from several universities to discuss areas of expertise and interests related to the Fisheries Monitoring and Ecosystem Research Program’s goals. These institutions, and their respective research expertise, include:

- [Redacted]
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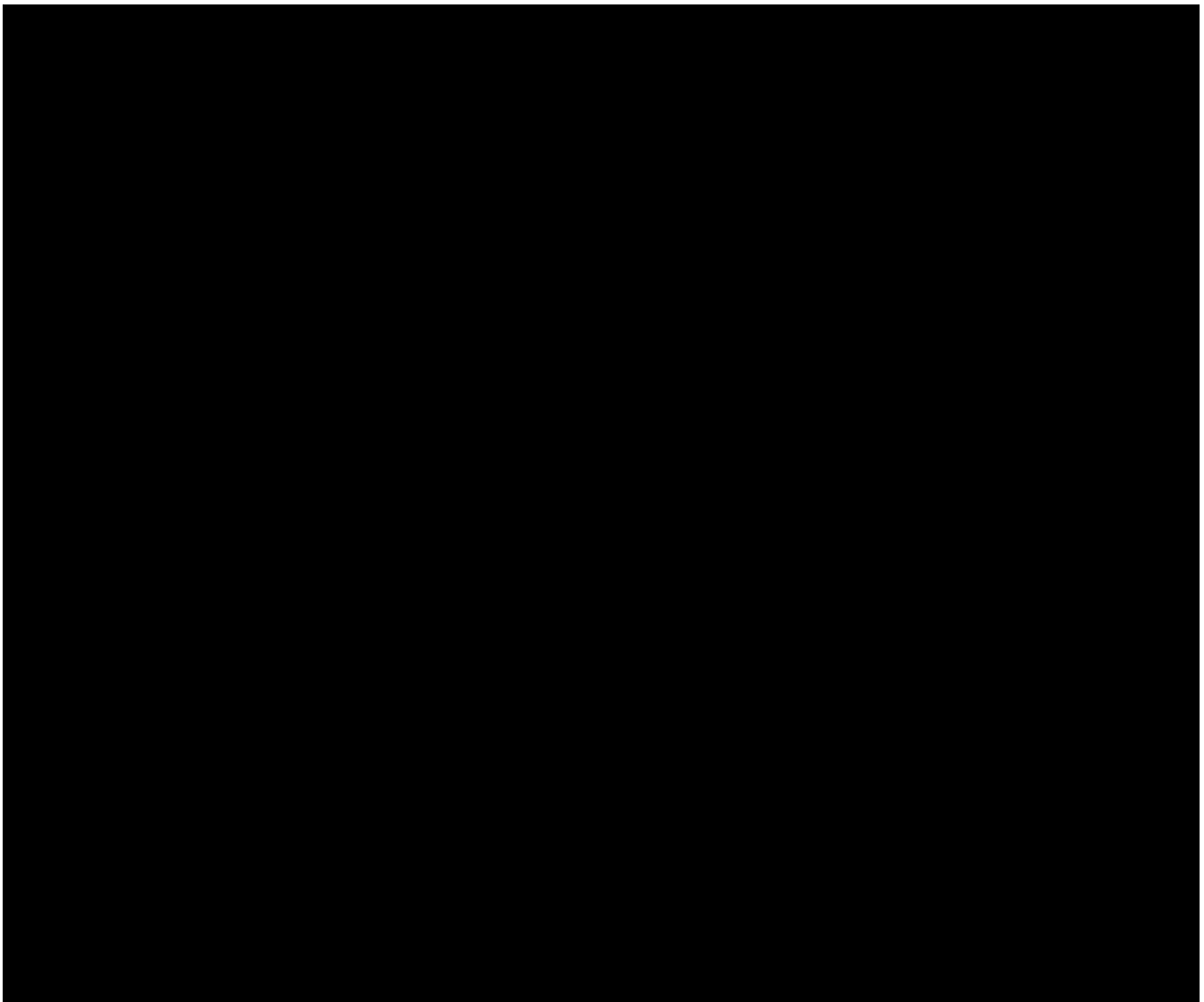
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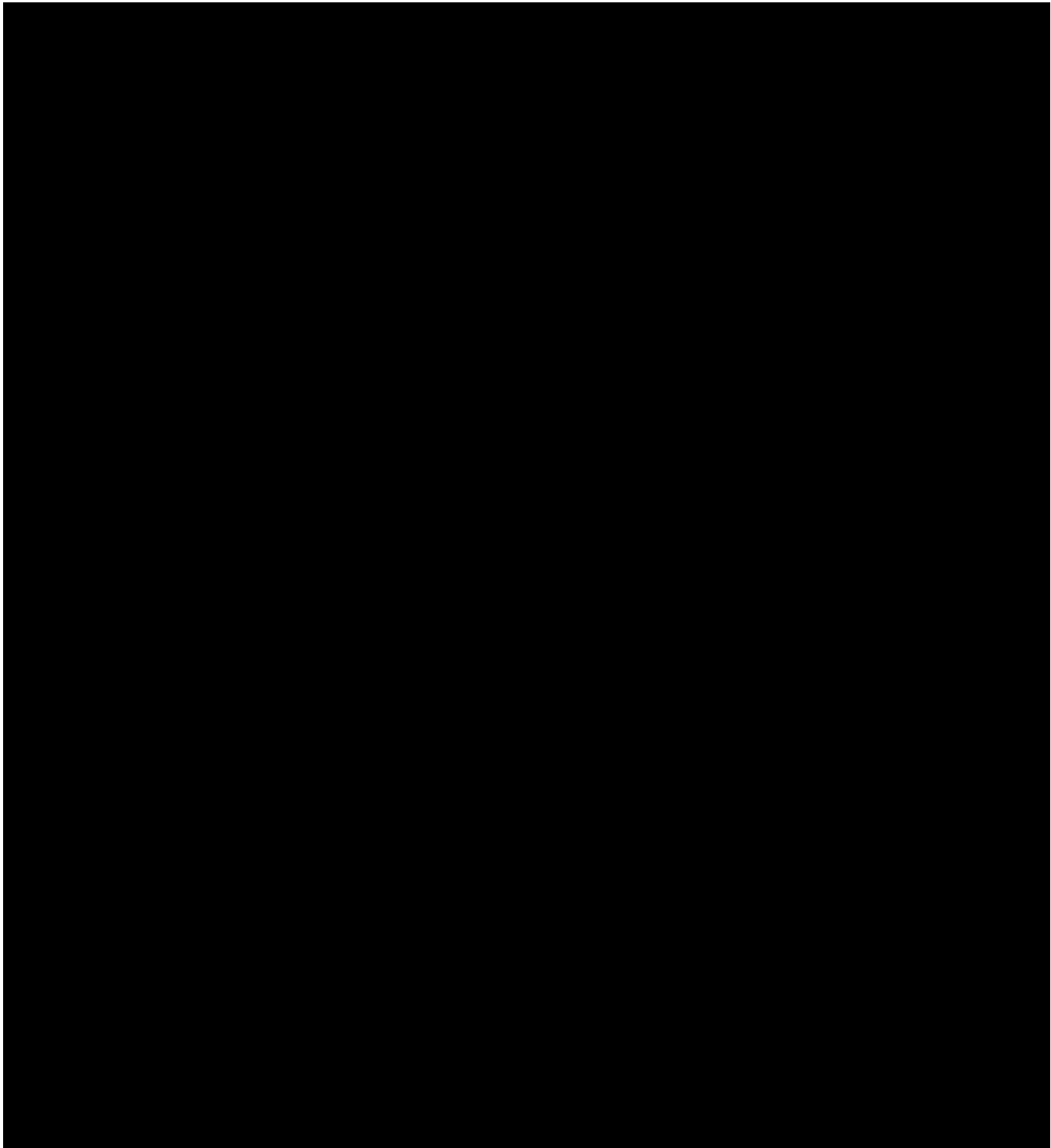
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5. Proposed Mitigation of Impacts to Benthic/Fisheries Resources

5.1 Potential impacts/risks and mitigation measures by project stage

The table below should list the potential impacts and risks to benthic/fisheries resources and proposed mitigation measures. To this end, a description of how the potential adverse impacts of infrastructure design elements (e.g., turbine spacing and layout, turbine foundation type, cable burial and protection methods, and cable crossing designs) on fishing in the proposed Project area will be considered in mitigating impacts should be included. The mitigation measures should also demonstrate that the Project area and proposed site design allows for reasonable flexibility in the site layout (e.g., orientation of turbine lines, distance between turbines, and navigation areas) to accommodate changes that may be needed in the future. The section should also describe the planned operational protocol to avoid, minimize, and mitigate impacts to fish, invertebrates and fisheries during Project construction and operation phases, such as vessel transit routes, designation and monitoring of safety zones, gear monitoring and retrieval, and communication with fishing vessels and resource managers.





5.2 Coordination with F-TWG and other stakeholders

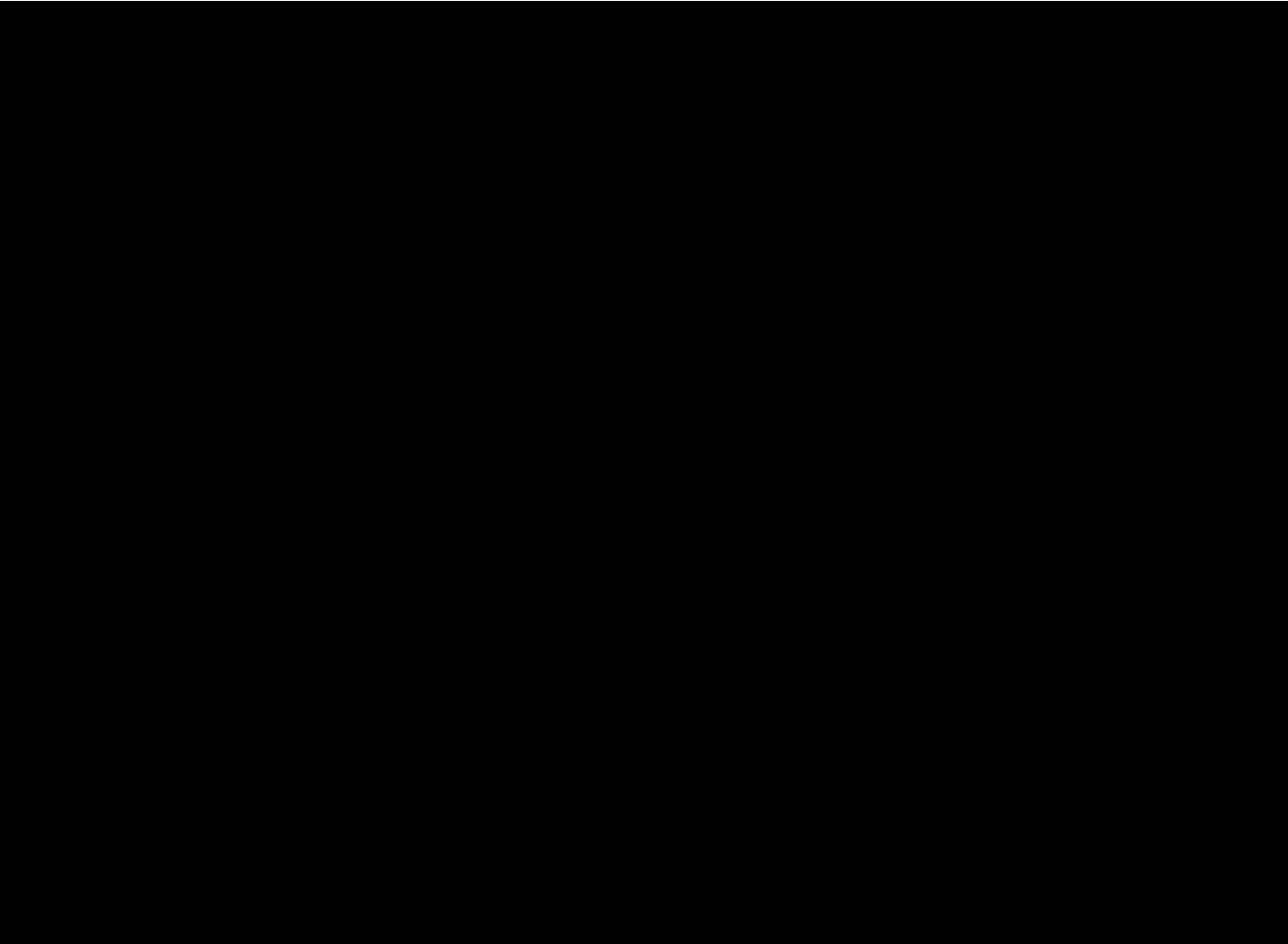
This section should describe how the developer will engage with stakeholder groups such as the F-TWG and other regional fishermen that address stakeholder concerns related to benthic and fisheries resources. Specifically, describe the key types of information and design decisions where feedback will be solicited from stakeholders.

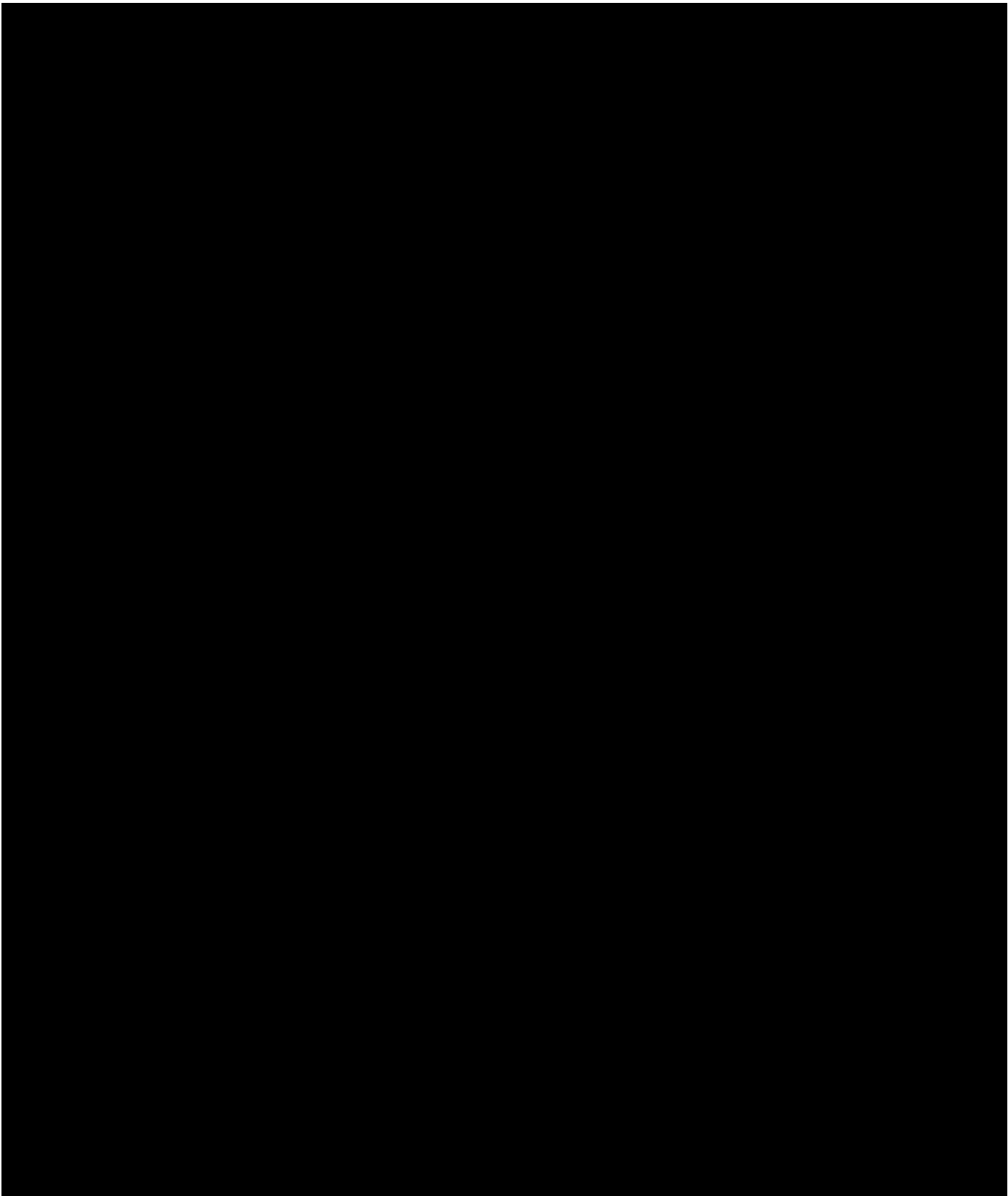
- Attentive Energy will coordinate with the F-TWG stakeholders to address concerns and mitigate impacts to benthic/fisheries resources.
- Attentive Energy will also coordinate with regional fishermen, and other maritime stakeholders, such as maritime experts, consultants, and marine safety committees, to address concerns and minimize and/or mitigate impacts to benthic/fisheries resources and facilitate ongoing, safe access to traditional fishing grounds.
- Attentive Energy will provide a detailed outline of the process used to create the Project Layout when requested by regulatory authorities and stakeholders.
- Attentive Energy preemptively recognizes that the northern boundary of the Lease Area is bordered by the proposed extension of the Hudson Canyon to Ambrose Southeastern Fairway and plans to coordinate with the First Coast Guard District to avoid any planning and/or construction conflicts.
- Attentive Energy will continue to engage in discussions with the fishing industry, F-TWG, E-TWG, and regulating authorities as appropriate to solicit feedback on the following topics:
 - Spatial planning of export cable routing
 - Sediment transport modeling
 - EMF modeling and assessment
 - Project design envelope
 - Project layouts

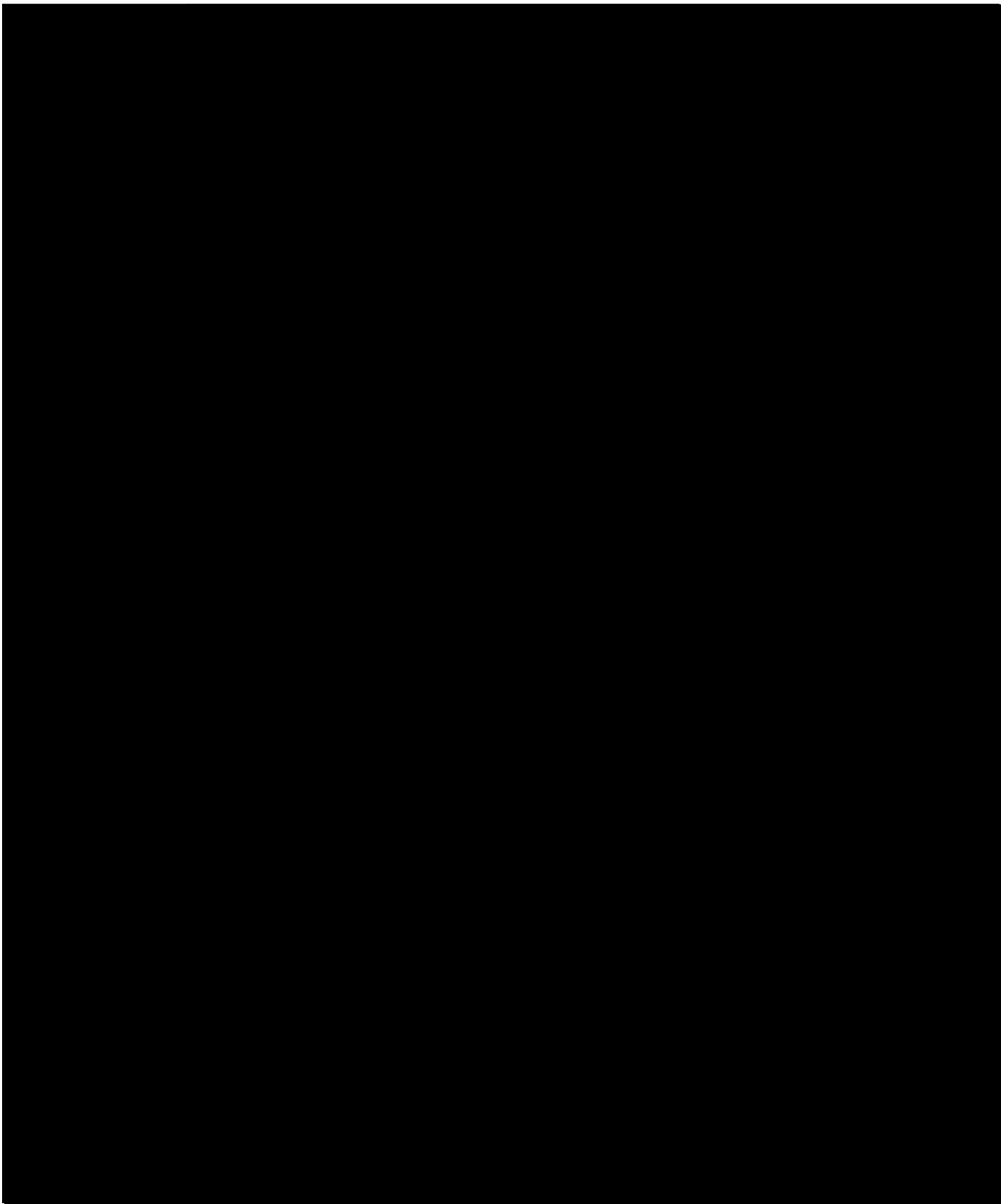
6. Proposed Mitigation of Impacts to the Recreational and Commercial Fishing Industry

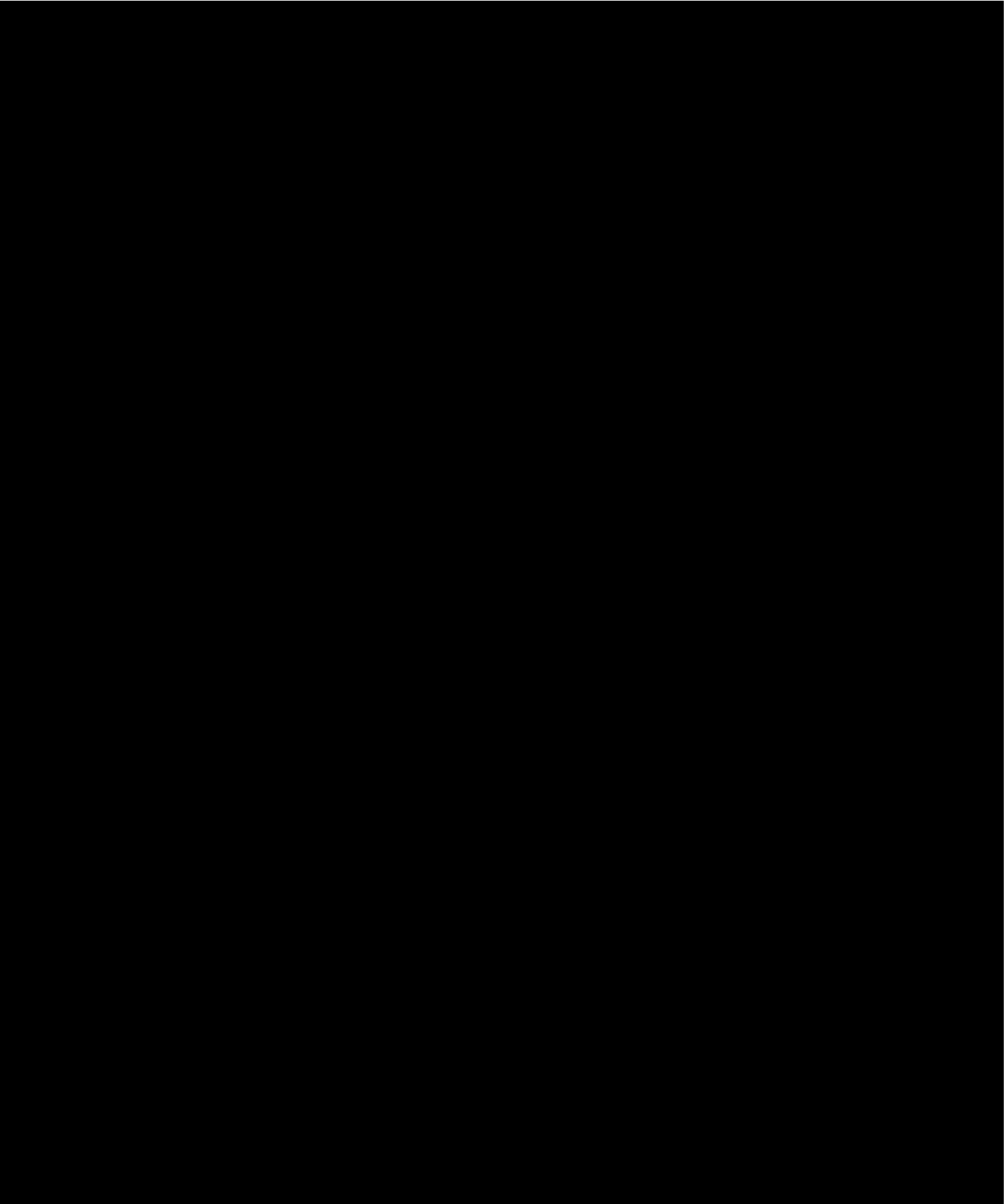
6.1 Potential impacts/risks and mitigation measures by project stage

The table below should list the potential impacts and risks to recreational and commercial fisheries and proposed mitigation measures. To this end, this section should describe of how the potential adverse impacts of infrastructure design elements (e.g., turbine spacing and layout, turbine foundation type, cable burial and protection methods, and cable crossing designs) on fishing in the proposed Project area will be considered in mitigating impacts. The mitigation measures should also demonstrate that the Project area and proposed site design allows for reasonable flexibility in the site layout (e.g., orientation of turbine lines, distance between turbines, and navigation areas) to accommodate changes that may be needed in the future. The section should also describe the planned operational protocol to avoid, minimize, and mitigate impacts to fisheries during Project construction and operation phases, such as vessel transit routes, designation and monitoring of safety zones, gear monitoring and retrieval, and communication with fishing vessels and resource managers.









6.1.1 General approach to avoiding and mitigating fishing gear loss

This section should describe how potential loss of fishing gear due to snags on turbine structures, associated cables or cable mattresses, or related structures installed or deployed as a result of offshore wind energy development, will be minimized.

- Attentive Energy will endeavor to bury export cables to sufficient depth to minimize exposure risk. If the “appropriate depth” cannot be reached, Attentive Energy will add protective materials over the cable which, to the extent practicable, also allows for fishing to occur.
- Attentive Energy has established procedures to address gear loss claims to compensate fishermen who may lose gear associated with project activities. The gear claim application is available on Attentive Energy’s website (www.attentiveenergy.com).
- Attentive Energy is open to collaborating with other New York Bight offshore wind leaseholders to standardize gear claims across the region.
- Attentive Energy will use OFLOs and scout vessels to identify the presence of fixed gear in advance of survey, construction, and other Project activities.
- Attentive Energy will provide marking and lighting of partially built structures, disseminate charts, and provide the location of these structures in an electronic format which can be easily uploaded

to typical navigation equipment, for the fishing community.

- Attentive Energy will utilize USCG LNMs as a method of information dissemination and alerting marine stakeholders to project activities.
- Attentive Energy will provide the location of partially built structures and fully installed structures to NOAA for eventual inclusion and update to nautical charts.
- Attentive Energy will consult with the recreational and commercial fishing communities to establish temporary safety and exclusion zones around partially installed offshore wind cables and structures.
- Attentive Energy will provide real-time monitoring and notification of fishing vessels via the Waterfront App and OFLOs.
- Attentive Energy will endeavor to bury cables to depths below fishing gear penetration where feasible and make the position of cables available for the fishing community; where burial is not feasible, use of cable protection where appropriate to findings of the cable burial risk assessment (CBRA) and consultation.
- Attentive Energy will limit the use of concrete mattresses in areas of snagging risk, where feasible.

6.1.2 Processing claims for lost fishing gear

This section should describe how the developer will approach claims of lost gear in the event of a snag that provides for a fair and timely review and appeals of the claim and appropriate compensation of impacted parties.

- Attentive Energy will work with F-TWG and the fishing community to establish the appropriate procedures in advance of the start of construction activities. When practicable, the procedures will be standardized across projects, fisheries, gear types, and geographic regions.
- Attentive Energy will use a neutral third-party Administrator to assess claims and appeals when practicable.

6.2 Coordination with F-TWG and other stakeholders

This section should describe how the developer will engage with stakeholder groups such as the FTWG and other regional fishermen and shipping and navigation to determine Project layouts that address stakeholder concerns. Specifically, describe the key types of information and design decisions where feedback will be solicited from stakeholders.

Describe how changes to environmental resources will be quantified using statistically sound methods.

- Upon request, Attentive Energy will provide a detailed, step by step breakdown of the process used to create the Project layout. Attentive Energy will engage with the F-TWG, regional fishermen and other maritime stakeholders such as maritime experts, consultants, and marine safety committees to refine Project layouts that aim to minimize impacts on existing fishing practices and facilitate ongoing access to traditional fishing grounds.
- Attentive Energy will work with fishermen and other stakeholders through the developer's dedicated fisheries staff to help address key concerns such as navigation, vessel access, and safety.
- Attentive Energy will work to consider fisheries data, the F-TWG, navigational trends, and fisheries

stakeholder feedback to inform the layout specifications of the Project to reduce the impact of offshore wind development on the fishing practices taking place within the Project Area.

7. Considerations for Subsea Cables

7.1 Mitigation strategies for subsea and overland cables

This section should describe any additional fish and fisheries mitigation strategies for proposed subsea cable routes that support the offshore wind project.

- To avoid and minimize potential impacts to sensitive habitats and fisheries resources, Attentive Energy is evaluating several primary ECRs. [REDACTED]
- [REDACTED]
- [REDACTED]
- EFH exists for species including, but not limited to, Atlantic mackerel, black sea bass, blue shark, butterfish, longfin squid, spiny dogfish, summer flounder, surfclam, and yellowfin tuna along the possible ECRs. [REDACTED]
- Attentive Energy will take into consideration any required time-of-year restrictions as it designs a cable installation schedule.
- [REDACTED]
- Attentive Energy has also implemented a gear loss claims process to ensure fisherman who lose gear due to the Project will be compensated.
- Mitigation approaches to reduce impacts of EMF on the environment will include cable burial, sheathing, and armoring, thus minimizing the extent of EMFs above the seafloor and in the water column.

8. Project Decommissioning

8.1 Potential impacts based on available information and experience

This section should describe potential impacts to benthic/fisheries and the fishing industry from decommissioning the project, based on available information and relevant experience (if any).

- Attentive Energy's waste handling processes during decommissioning will focus on re-use or recycling, with disposal as the last option.
- Attentive Energy will collaborate with regulatory authorities and key fisheries stakeholder groups to better understand the effects and potential impacts associated with decommissioning.
- At this time Attentive Energy cannot accurately predict the impacts or the mitigations necessary for decommissioning although it can be reasonably assumed that the impacts of decommissioning will be lesser than those of construction. Potential impacts and mitigation strategies will become clearer post construction and during operations, and further informed by ongoing monitoring observations.

8.2 Approach for developing plan and coordination with stakeholders

This section should describe how a decommissioning plan will be developed to identify and mitigate potential impacts, including coordination with fisheries stakeholders, and any elements of its contemplated decommissioning plan that can be identified at this stage.

- Attentive Energy will decommission the Project in accordance with all necessary laws and regulations and generate a detailed Project-specific decommissioning plan.
- Attentive Energy will seek input on the detailed Project-specific decommissioning plan from regulatory agencies, fisheries and marine stakeholders, and local communities.
- Attentive Energy will use "lessons learned" from the construction and operation activities and apply them when appropriate to the decommissioning plan.
- More specifically:
 - Attentive Energy will be required to develop a decommissioning plan in support of the Project, per 30 CFR 585.
 - The decommissioning plan will be informed by the extensive global experience of TotalEnergies - one of the Project Sponsors.
 - Attentive Energy will collaborate with, and seek input from, representatives of the commercial and recreational fishing communities associated with the Project Area in developing the Decommissioning Plan. Attentive Energy will use information provided by these groups, along with stakeholders from State and Federal regulatory agencies, environmental and fisheries groups, and the F-TWG and E-TWG to develop a Decommissioning Plan that avoids and minimizes impacts to natural resources.
 - Attentive Energy will use knowledge gained from pre- and post-construction monitoring, as well as monitoring and research efforts conducted by collaborators and other State, Federal, and university researchers and other offshore wind projects within this region, and others to inform the decommissioning approach.

- To further avoid impacts to fisheries, consideration will also be given to the changes in fisheries practices resulting from adaptation by commercial fishermen to the presence of the Project and use of structures by recreational anglers over the decades of wind farm operations.
- Attentive Energy will remain engaged with the research community and will stay current with research and monitoring efforts, as well as regulatory changes (if applicable) related to the decommissioning of other offshore wind farms.
- Attentive Energy will also incorporate results of relevant research and lessons learned from the decommissioning of other offshore facilities, including oil and gas platforms and offshore wind farms.

9. Fisheries Compensation Plan

9.1 Consideration of compensation plan

If a fisheries compensation plan is being considered to offset impacts, this section should describe how it will determine instances where all reasonable attempts to avoid and minimize Project impacts, or restoration to predevelopment conditions are not feasible and some type of fisheries compensation plan is warranted.

- At minimum, Attentive Energy will follow any and all guidance being developed as part of BOEM’s 2021 Fisheries Mitigation Guidance Process: <https://www.boem.gov/renewable-energy/request-information-reducing-or-avoiding-impacts-offshore-wind-energy-fisheries>.
- Attentive Energy supports a regional, or national, fisheries compensation fund as an important backstop after individual project’s avoidance, minimization, and mitigation measures are developed.
- Attentive Energy’s goal is to avoid impacts to the greatest extent practical. However, Attentive Energy acknowledges that fishing and fisheries may be impacted by the Project.
- Attentive Energy remains committed to identify areas of commonality that promote mutually agreed upon benefits like standardization, a neutral third-party Administrator, and active participation by fishermen in determining any final solution.

9.2 Approach to developing compensation plan

9.2.1 Coordination with stakeholders

This section should describe how a fisheries compensation plan was or will be developed; how the developer will coordinate with the F-TWG and other entities in the design or review of the fisheries compensation plan.

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- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

- [REDACTED]

9.2.2 Third-party administration

This section should describe how the compensation plan will be administered by a nongovernmental third-party to provide reasonable and fair compensation for impacts that cannot be sufficiently addressed through other means.

- [REDACTED]
- [REDACTED]

10. Additional Considerations

10.1 Additional mitigation strategies and FMP refinement

This section should describe any additional mitigation strategies not otherwise described herein that would improve the Plan and reduce impacts on the fishing community. In addition, describe how the FMP will be updated and refined based on additional information and stakeholder feedback.

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- [Redacted]
- [Redacted]
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- [Redacted]
- [Redacted]
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10.2 Process for updating the FMP

This section should describe how feedback from environmental stakeholders, F-TWG, and other agencies and working groups will be incorporated and updated in the FMP.

- [Redacted]
- [Redacted]
- [Redacted]

- [REDACTED]
- [REDACTED]

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