Twistin' in the wind

By David Frulla and Shaun Gehan

During last summer's Deepwater Horizon disaster, the administration rebranded the Interior Department's Minerals Management Service to be the Bureau of Ocean Energy Management, Regulation, and Enforcement, BOE for short. BOE not only oversees offshore oil and gas production, but, under the 2005 Energy Policy Act, also regulates offshore renewable energy development, including wind energy. In the long run, the fishing industry may have more to fear from BOE's wind energy management program than from the next Deepwater Horizon.

Through its so-called "Smart from the Start" program, BOE appears determined to prevent the delays to offshore wind development that beset the controversial Cape Wind project off Martha's Vineyard from recurring. Meanwhile, this energy-focused agency's rush to lease offshore areas for wind and other alternative energy sources leaves the fishing industry with very small windows of opportunity to identify and protect key fishing grounds.

This new threat to historic fishing grounds is emerging rapidly. Virtually every East Coast state is somewhere in the process of coordinating with BOE to initiate offshore wind and similar coastal energy programs. West Coast states are likewise joining forces, forming a Renewable Ocean Energy Action Coordination Team to jointly plan for potential development. Gulf and Western Pacific states will not be far behind.

As seen in recent "Requests for Interest" in Maryland, Delaware, and Massachusetts, BOE is far along in identifying wind energy areas — areas viewed solely through a prism of suitability for wind farms — without considering these areas' importance for federally managed fisheries. Indeed, even regional fishery management councils aren't being consulted before BOE selects lease areas. Consultations were limited to certain federal, state, local, and tribal entities. Unsurprisingly, vitally important grounds in southern New England, including a large part of the Nantucket Lightship scallop access area, are open to competitive bids by energy firms.

These RFIs present the best, and perhaps only, meaningful opportunity for fishing industry input. An RFI solicits proposals for wind energy development within the identified area, while also inviting information regarding the importance of the area to other users and interests. Unfortunately, by the time BOE offers a specific area for lease, and subjects it to National Environmental Policy Act review, it may be too late. The amount of information an energy company must provide in response to an RFI is substantial, representing a significant investment in a specific area proposal. And, while BOE is required by law to protect existing "reasonable uses" and consider areas for fisheries and navigation purposes, experience with the Cape Wind lease shows the agency strongly protects a prospective lessee's preference.

The Cape Wind project is instructive. Short only of final construction approval, this proposed 120-turbine wind farm in the middle of Nantucket Sound is directly atop some of the oldest and most important fishing grounds for local fishermen. (We represent these fishing interests in a challenge to this project.) Even though BOE's approval process extended for over 10 years, the agency never seriously considered alternative locations with less impact on fisheries.

While commercial fishing ostensibly isn't being prohibited in the project area, Coast Guard-imposed conditions render it practically and economically infeasible. Interference from turbines adversely impacts radar. Safety concerns relating to icing, crowding, and navigation are also emerging. Similar projects on key fishing grounds could have hundreds of millions of dollars in economic impacts.

Productive fisheries and renewable ocean energy projects should be able to coexist, but proper advance planning and consultation is needed. BOE professes to consult with NOAA early in the leasing process, but, so far, it just consults with NOAA habitat specialists. BOE must also consult beyond state energy regulators and include state marine fisheries departments. It should initiate outreach to regional and national fishery associations, before any die is cast. Vessel monitoring systems and trip report data should be consulted; they are available. Perhaps most importantly, regional councils must be at the table, informing the fishing industry, gathering input, and helping to guide leasing decisions.

Ironically, integrated planning represents the president's Coastal and Marine Spatial Planning initiative's expressed goal. While we've expressed our concerns about the massive, extra-statutory interagency bureaucracy this initiative would create, better interagency coordination on wind energy development could not only help, it's required by executive orders extending back almost two decades. Federal agencies are, however, slow to change. In the meantime, fishermen should start tracking BOE's website for proposed alternative energy projects in their backyard. NF

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