



New England Fishery Management Council

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John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

August 29, 2017

Mr. Gregory Lampman
Program Manager, Environmental Research
NYSERDA
17 Columbia Circle
Albany, NY 12203-6399

Dear Mr. Lampman:

Thank you for the opportunity to comment on NYSERDA's Fish and Fisheries Study to support the Offshore Wind Master Plan. Our detailed comments are provided on the review tracking form as requested.

As we are also involved in environmental reviews, we can certainly appreciate the need to develop these studies quickly, but I want to reiterate the comment I made to Stephen Drew last week. The timeline for this review was very aggressive and challenging for my staff to accommodate. More advanced notice of the comment period or a longer number of days with the document would have been helpful.

During the August 28 webinar, you indicated that Section 6 of the study (Stakeholder feedback) would be available mid-September. We would appreciate seeing a copy of that section of the draft report when it is ready.

The New England Fishery Management Council is eager to engage with offshore wind planning agencies and developers on behalf of the federal fisheries management stakeholders who participate in our process. Please continue to keep us informed as NYSERDA's master plan development proceeds.

Sincerely,

Thomas A. Nies
Executive Director

Enclosure

Offshore Wind Studies – Review Tracking Form

NYSERDA respectfully requests that you use this tracking form when providing comments on each of the Offshore Wind Master Plan Studies. This will help us to address your comments more accurately and expediently. Please feel free to add or delete rows/sheets to accommodate the appropriate number of comments for your review. Thank you in advance for your participation.

Study Name: Fish and Fisheries

Organization Name: New England Fishery Management Council – contact Michelle Bachman (mbachman@nefmc.org)

Comment Number	Page # and Line # (from Study)	Comment(s)
1.	7, lines 28-29	There are boundary lines between the various fishery management councils, and we agree that the OSA is part of the Mid-Atlantic Council region. However, these boundaries are rarely referenced (with the possible exception of recent deep-sea coral management actions by both Councils), and a more useful way to consider which Council’s feedback is relevant to any given issue is by evaluating which managed fisheries overlap the OSA. The Councils do not really manage specific regions of the ocean, rather, we manage commercial and recreational fisheries for specific living resources.
2.	10, lines 6-12	NEFMC manages groundfish (also called northeast multispecies or large mesh multispecies) as well. Spiny dogfish is jointly managed with MAFMC as the lead. NEFMC has the lead for monkfish.
3.	13, lines 17-18	Gorgonians are a type of deep-sea coral. Deep-sea corals are rare on the shelf in waters shallower than 200 m, but occur in the canyons, including in Hudson Canyon, and on the continental slope. We agree that deep-sea corals are important providers of fish habitat.
4.	14, Table 1	The species selected in Table 1 appear to be somewhat random – are they the most common? They are not the most economically important species. Perhaps a more comprehensive list, ordered by abundance, commercial importance, or another metric, would be more useful than this subset.
5.	15, line 15	Whether or not EFH is designated for “every life stage” is probably not all that critical to know, and the comment may serve to introduce confusion. Councils designate at the life stage level when possible given the data we have available to us, so a lack of designation for larvae or juveniles for example does not convey the lack of importance of these stages, and doesn’t have any real meaning beyond data availability.
6.	16, Table 1	Longfin squid was recently renamed <i>Doryteuthis paeleii</i>
7.	18, Figure 1	We have developed similar EFH overlays to support our plan amendments, but it important to know what such overlays are showing. EFH designations tend to be very general, and this probably explains why most of the TMS in the OSA are in one of two categories 11-15 or 16-20 designations. Designations also reflect underlying data availability, which is different inshore vs. offshore vs. off the edge of the shelf in deep waters. In addition, EFH isn’t just the maps; it’s the maps and

		correspondence with the text descriptions that accompany the maps that makes a particular area EFH. Overall, these sorts of overlays are probably useful, but shouldn't be taken too far as a decision metric. We also note that NEFMC is updating our EFH designations as part of an ongoing plan amendment. These are similar to our existing designations in many ways, but are generally more spatially refined, and incorporate additional years of data.
8.	19, line 5	Present is a very general term – maybe more appropriate to say abundant? Would be worth looking at observer or other fishery dependent data to assess occurrence of a specific fish.
9.	19, lines 10-11	NOAA has specific responsibility for management of certain ESA-listed species, so this language could be more precise.
10.	20, line 5, lines 15-16	Atlantic sturgeon critical habitat was just designated this month. Should confirm that they are unlikely in the OSA; the area does include sandy substrates shallower than 50 meters.
11.	22, Table 4	Tautog, blackfish? Tautog may be more common for some readers.
12.	23, lines 13-21	We agree that wolffish are not likely to be found in the OSA
13.	24, line 11	Oldest – maybe go with oldest considered in this study?
14.	24, line 23	For the following species <u>commonly occurring in the OSA</u> ? In general, these data have been used in many more assessments than those listed here.
15.	25, lines 18-25	The clam survey is much older than 2012, but it was moved to a different vessel at that time. They use the whole time series (1982+) in assessments. During year 3 they also complete any missing stations, as needed, I believe. There was an assessment this year and the documents should have information about the survey, or check with Dan Hennen at NEFSC.
16.	30, line 14	Multispecies is large mesh groundfish; these maps will not cover small mesh fishing for whiting because these vessels are not fishing under a multispecies declaration code. The NROC maps are all by declaration code.
17.	31, line 31	Chart area = statistical area; this is how fisheries users typically refer to these areas
18.	34, line 11	Section 2.2.2.4? Not sure what this reference refers to.

19.	35, lines 6-19	Permit discussion is not all that helpful – maybe these data need to be framed differently, as a potential upper bound of fishing vessels that might be active in the area?
20.	38, 39, VMS maps	Should be careful when interpreting the single year maps, e.g. for squid. These species move around following the correct oceanographic conditions, and the fishery shifts spatially over time.
21.	40, lines 1-18	Observer data are a biased subsample of fishing activity, because coverage rates are designed to estimate discard rates for specific stocks. It isn't clear on the maps (e.g. page 41) what the units are – number of tows? Trips?
22.	40, lines 21-32	These drawings are really helpful.
23.	45, lines 7-8	Would be helpful to have actions like HDD, jet plowing, cable dredging explained in a table in appendix for readers not familiar with these activities
24.	45, line 11	It seems like the chance of increased vessel spills with increased traffic, while possible, is relatively remote.
25.	49, line 49	Reference to cod and sole – would be helpful to indicate here and throughout the report when studies from other regions looked at the same species we have here, vs. related species. Common names are not all that helpful as cod and sole refer to a variety of species.
26.	49, lines 19-20	Again, define noise impact minimization measures (pile driving soft starts, etc.) somewhere in the document or in an appendix.
27.	53, line 1	In terms of fish eggs, one species of particular concern is winter flounder, which has demersal, adhesive eggs and is present in the region. This species should be called out individually here.
28.	53, line 15	Do you mean to say that <u>incremental or additional</u> vessel traffic impacts would be negligible?
29.	55, line 16	Goldfish – is this a typo?
30.	55, lines 26-28	Delete 'in result' – redundant. More importantly, is it possible that there is insufficient information to conclude that turbine noise does not have adverse effects?
31.	57, lines 12-15	Throughout, I am struggling with the comments about potential mitigation measures and whether they would actually be required. For example, in this paragraph, "it can be expected that cables would be buried deep enough". On what does the

		author base this expectation? It might be clearer to say something like, burial depths would need to be agreed to in the construction and operations plan, which is written by the developer and approved by BOEM. If cables are buried to depths of x, this would reduce the chance of negative impacts.
32.	57-58	What is the relationship between μT and $\mu V/m$? Can these units of measure be explained at the beginning of the section? Without some context, these numbers (both magnitudes and units) aren't all that meaningful to readers not familiar with the science of electromagnetic fields.
33.	58, lines 12-25	Are studies being done on elasmobranchs in the Atlantic, since they appear to be more sensitive? We have fisheries for both skates, spiny dogfish, and larger coastal sharks.
34.	59, lines 5-7	Language is unclear here. Is depth/substrate <u>more</u> influential than EMF? Or, did EMF had no discernable effect?
35.	59, line 9	What are millitesla?
36.	59, lines 18-20	While there are already lots of cables in the area offshore NY and NJ, are cumulative effects of more new cables an issue?
37.	62, lines 3-5	Are recommendations like this one on invasive species all part of the best practices? If not, are they all collected in a list somewhere?
38.	62, lines 27-28	Possible to do post-construction hydrographic studies in the Atlantic? Why aren't these studies being done?
39.	63, lines 3-4	100 turbines reference – isn't this comparable to what could go into these areas off NY, especially given renewable energy goals?
40.	64, first paragraph	Is there any evidence that bottom trawls have hung up on the concrete mats used at the BIWF?
41.	64, line 10	Agree scallop and clam vessels may avoid areas with WTGs, but the phrasing of this line is awkward. Bear in mind that different types of ground gear will influence the extent to which a particular fishing vessel avoids hangs and other rough bottom.
42.	64, lines 17-18	Is the implication here that corridors with cables are not fishable?

43.	64, lines 22-25	Should cross reference if these issues of compensation are discussed elsewhere in report, e.g. in BMP section.
44.	65, lines 10-14	Is the BIWF exclusion of 300 ft likely to become a standard? Not sure that Cape Wind is a good example since it appears unlikely to ever be built.
45.	71, line 6	What factors would be used to justify exclusion zones during wind farm operations?
46.	71, line 23	Capitalize <i>Homarus</i>
47.	71, lines 25-31, continued onto next page	This whole section sounds a bit political. Does foreign oil have worse environmental impacts than domestic oil? Or is the issue more one of energy independence? The reference to the Obama administration should be reframed to be past-tense. It would be helpful to know if there is a similar policy under the current administration to support wind energy.

Additional comments:

Reduce use of acronyms wherever possible.

Atlantic surfclam is one word, not two (surf clam)

Wolffish has two Fs, not wolfish