



OSW & Fisheries Mitigation & Compensation

- 8 states sent letter to BOEM requesting they develop guidance for mitigating and compensating fisheries impacts (VA, NJ, NY, CT, RI, MA, NH, ME)

Amanda Lefton, Director
Bureau of Ocean Energy Management
45600 Woodland Road
Sterling, Virginia 20166

November 12, 2021

Dear Director Lefton:

Following the June 4, 2021, letter to President Biden¹, the nine signatory regional Atlantic States (“States”) convened to discuss the importance of federal-state partnership in realizing regional offshore wind development goals. More specifically, the States have focused on the need for and benefits of regional natural resource impact assessment and mitigation frameworks for reasonably foreseeable and demonstrated adverse impacts on marine resources, fisheries, habitats, and local cultures. As you are aware, the States have begun to collaborate on a fisheries compensation framework with the Bureau of Ocean Energy Management (BOEM) and NOAA Fisheries. Through this collaboration, BOEM has committed to use its existing authority with support by NOAA Fisheries and with stakeholder and public input to establish an agreeable, standardized compensatory fisheries mitigation framework by March 2022.

Our discussions to-date on compensatory mitigation efforts are informed by states’ experiences with proposals to site and develop the nation’s first commercial scale offshore wind farms. These discussions have highlighted the need for a preliminary framework for how compensatory mitigation should be addressed in our region, perhaps as a component of national guidance from BOEM for the U.S. offshore wind industry as a whole. Compensatory fisheries mitigation (or impact fees) negotiations to this point have largely varied due to the lack

Main Points in letter – BOEM should:

- *Ensure per NEPA, avoidance and minimization of impacts to fisheries
- *Use best available data to determine effects on fisheries in creation of a mitigation framework
- *Identify future data & monitoring needs
- *Consider mechanisms for compensating for impacts
- *Develop an approach for managing and distributing funds
-

BOEM Issued RFI on Nov 22 2021

Comments due Jan 7, 2022

Regulations.gov

Your Voice in Federal Decision Making

Docket (BOEM-2021-0083) / Document

NOTICE

Request for Information - Offshore Wind Fisheries Mitigation

Posted by the Bureau of Ocean Energy Management on Nov 22, 2021

Comment

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Document Details

Document ID
BOEM-2021-0083-0001

Comments Received
30
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Document Details

Comment Due Date
Jan 7, 2022

Received Date
Nov 18, 2021

Comment Start Date
Nov 22, 2021

Content



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Request for Information Guidance for Mitigating Impacts to Commercial and Recreational Fisheries from Offshore Wind Energy Development November 22, 2021

INTRODUCTION

The Bureau of Ocean Energy Management (BOEM), in consultation with the National Marine Fisheries Service and affected coastal states, intends to develop guidance for the mitigation of impacts from offshore wind energy projects on commercial and recreational fishing communities. To initiate the development of this guidance, BOEM is issuing this 45-day Request for Information (RFI) to obtain input from the public.

The comments and information received will inform BOEM's development of draft guidance to mitigate certain impacts of offshore wind energy projects to commercial and recreational fisheries. Once complete, the draft guidance will be shared with the public for review and input for a 45-day comment period. Any guidelines developed through this process may be updated periodically based upon public feedback and evaluation by BOEM staff.

BACKGROUND AND MITIGATION GUIDANCE

BOEM administers the Outer Continental Shelf Renewable Energy Program in accordance with the Energy Policy Act of 2005, which added subsection 8(p) to the Outer Continental Shelf Lands Act (OCSLA) (43 U.S.C. 1337(p)). The implementing regulations for this statute are contained in Title 30, Part 585, of the Code of Federal Regulations (CFR). Under this program, BOEM issues leases, right-of-way (ROW) grants, and right-of-use and easement (RUE) grants that give parties the right to prepare and submit detailed plans for assessing resources, testing/researching technology, and constructing and operating commercial-scale renewable energy projects. Subsection 8(p)(4)(j)(ii) of OCSLA specifically requires the Secretary of the Interior to ensure that any activity is carried out in a manner that provides for "consideration of any other use of the sea or seabed, including use for a fishery..."

BOEM, as with other federal agencies, also has a regulatory obligation to adhere to requirements in the National Environmental Policy Act (NEPA). NEPA was established to create

<https://www.regulations.gov/document/BOEM-2021-0083-0001>

BOEM scheduled 7 sector specific Workshops around the country to help them develop guidance for preparing plans and environmental reviews for offshore wind projects that will help avoid, minimize or mitigate impacts on commercial and recreational fishing.

<https://www.boem.gov/renewable-energy/fishing-industry-communication-and-engagement>

Dec 1 East Coast Workshop on Clams and Scallops

Dec 2 East Coast Workshop on Mobile Gear/Mixed Trawl/Pelagic

Dec 6 East Coast Workshop on Fixed Gear

Dec 7 Recreational Fishing Workshop

Dec 14 Developers Workshop

BOEM updating states on Dec 16 meeting

Timeline: Fisheries Mitigation Guidance Development

Key Steps	Finalize Draft Guidance by April 2/Final Guidance by June 30
Draft Scoping Document <i>-Scoping document drafted</i>	October 31-November 6
Review and Finalize of Scoping Document	November 7-November 20
Issue Scoping Document	November 28-December 4
ID and Schedule Seven Public Meeting Dates	October 31-November 20
Send Email Invitation to Public Scoping Meeting Participants <i>--Save-the-dates have been drafted</i>	October 31-November 20
Meeting with States—Status	Week of November 15
Hold Seven Scoping Meetings <i>Agenda has been drafted for meetings</i>	December 1-January 15
<i>--East Coast Meeting on Clams and Scallops (Bottom Gear)</i>	December 1
<i>--East Coast Meeting on Mobile Gear/Mixed Trawl/Pelagic</i>	December 2
<i>--East Coast Meeting on Fixed Gear</i>	December 6
<i>--Recreational Fishing Meeting</i>	December 7
<i>--California Meeting</i>	December 13
<i>--Developers Meeting</i>	December 14
<i>--Gulf of Mexico Meeting</i>	December 15

Meeting Summaries and Scoping Period Comments Delivered	January 8-January 22
ID Technical Working Group Dialogue Members	October 31-November 20
<i>--Initial Technical Working Group TOR has been drafted</i>	
ID and Schedule Six Technical Meetings	October 31-November 20
Send Invitations to Participations for Technical Meetings	October 31-November 20
Six Technical Meetings (Compensatory Mitigation)	November 28-February 5
Develop Draft Guidance	January 22-March 12
Review/Finalize Draft Guidance for Public Review	March 13-April 2
Publish Draft Guidance	March 29-April 2
Public Comment Period for Draft Guidance	April 4-May 20 (assumes 45-day comment period).
Public Comment Meeting	April 4-May 20
BOEM Team Makes Final Revisions	May 22– June 10
BOEM Meets with States to Share Draft Final	June 13-17
BOEM Issues Final Guidance	June 30 (note: Ocean Wind FEIS publication date is 02/17/2023)

<https://www.deq.virginia.gov/coasts/ocean-management/virginia-ocean-planning/fishing-offshore-wind>

VIRGINIA'S COMMERCIAL FISHING: BEYOND THE BAY

A report on the value of Virginia's
ocean-caught fisheries

Photo by Aileen Devlin | Virginia Sea Grant

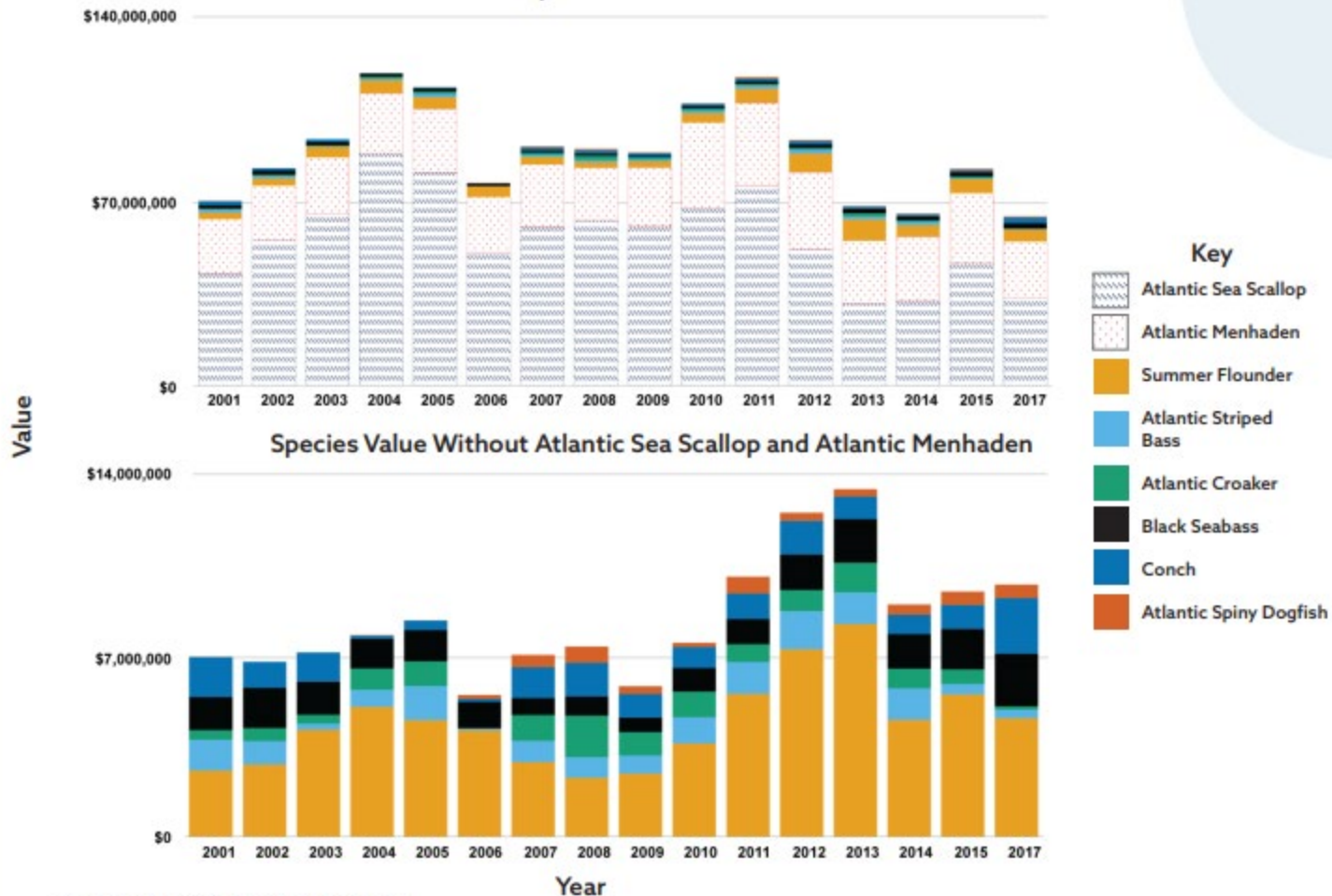


Virginia Coastal Zone
MANAGEMENT PROGRAM



June 2021

Total Species Value



*see page six for explanation of conch data

Turbine Reefs:

Nature-Based Designs
for Augmenting
Offshore Wind Structures
in the United States

Technical Report

November 2021



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[Can Offshore Wind Development Enhance Fish Habitat? - Cool Green Science \(nature.org\)](#)

TNC and Inspire Environmental have submitted the idea to Brian Hooker at BOEM – BOEM is interested. This could be potentially be done on the research turbines.



Turbine Reefs

Nature Based Design of Offshore Wind Infrastructure

Nature-based Design includes options that can be integrated in or added to the design of offshore wind infrastructure to create, expand, enhance, or restore habitat for native species or communities.

Enhanced Scour Protection Layers

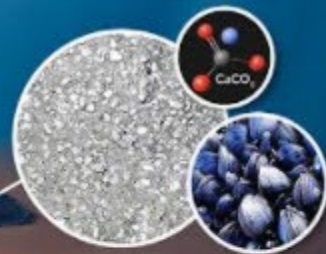
A combination of large and small structures with various sized holes and/or rocks with a range of shapes and sizes increases the surface area and habitat complexity of scour protection layers. This promotes biodiversity by providing adequate shelter for large, mobile species and suitable refuge for smaller species, juvenile life stages, and attached organisms.

Scour Protection



Mimicking Existing Complex Habitat

Habitats created by installation of offshore wind infrastructure can be optimized by mimicking naturally occurring complex habitat features.



Materials Designed to Promote Growth

Calcium carbonate (CaCO_3) or natural shell can be mixed into concrete structures to provide suitable chemical composition for larval settlement of calcareous organisms such as bivalves.



Next Time Avoiding Bird Impacts?



Willet

Satellite tagging could be done on large birds to collect data on altitude and direction during migrations



Whimbrel



Black-bellied Plover