



Responsible Offshore Development Alliance

October 20th, 2021

The Honorable Bobby Rush, Chair
House Committee on Energy and Commerce
Subcommittee on Energy

The Honorable Fred Upton, Ranking Member
House Committee on Energy and Commerce
Subcommittee on Energy

Re: Hearing on “Offshore Wind, Onshore Benefits: Growing The Domestic Wind Energy Industry”

Dear Chairman Rush, Ranking Member Upton, and Members of the Subcommittee:

Thank you for the opportunity to submit this letter for the hearing record. The Responsible Offshore Development Alliance (RODA) is a membership-based coalition of fishing industry members committed to improving the compatibility of offshore development with their businesses. It provides a “strength in numbers” approach to coordinating science and policy initiatives to minimize conflicts between traditional and historical fishing and other, newer, uses of the Outer Continental Shelf.

In the three short years since RODA’s formation, we have grown to roughly 200 members in the Northeast, Mid-Atlantic, and Pacific regions due to fishermen’s overwhelming concern about the impacts of offshore wind energy (OSW) development on their businesses and the marine ecosystems they depend on. Our membership consists of small to large fishing companies and associations and we collectively represent tens of thousands of fishing-dependent crew, shoreside employees, and other community members throughout the United States.

Conflicts Have Yet to Be Addressed

One of the biggest challenges facing the fishing industry is the lack of public information, often replaced by misinformation, about OSW plans, and the effects they will have on fisheries and ocean ecosystems. From the outset, we have been committed to working closely with federal and state agencies and OSW developers to improve fishermen’s inclusion in OSW planning and to improve the scientific record so that decisions are based on a cohesive understanding of the marine environment. All offshore development would benefit greatly from fishermen’s knowledge accrued from generations at sea. Unfortunately, to date, we can only point to minor adjustments in the federal approach that have resulted from fishermen’s enormous efforts to participate.

In April, at the dawn of the approval of the first commercial scale OSW project on the U.S. Outer Continental Shelf, we submitted a petition on behalf of 3,300+ signatories, representing some 150,000+ fishing community members, echoing previously made requests for fisheries mitigation measures to be required by any project permits. Despite these reasonable requests, the Bureau of Ocean Energy Management (BOEM) issued a Record of Decision for the Vineyard Wind 1 project with no mitigation requirements beyond the minimum measures voluntarily proposed by the developer, nearly all of which are solely informational in nature. Months later we received a response from the director of BOEM defending the actions of the previous and current Administrations that advanced OSW without balancing, or even in good faith considering, the importance of sustainable domestic seafood production. To date, amidst the constant press releases and ever-increasing goals for OSW installation, the only commitment BOEM has made to reducing conflicts with fishing has been an announcement that it is considering additional reporting requirements from developers—even though prominent fishing associations have urged against such an approach.¹ Federal agencies must work directly with fishermen to address these issues and cannot defer that responsibility to private multinational energy companies. The American people need sustainable food and energy sources; it is the Administration’s responsibility to balance these needs independently and not fall victim to any form of regulatory capture.

Foundational Flaws in the Process for Offshore Wind Energy Planning

The rapid pace of offshore wind development, the lack of early and transparent engagement with fishing communities, and the sparse scientific record upon which to make informed decisions,² have led to leasing and project design decisions being made without effectively minimizing impacts on our sustainable commercial fisheries. True consideration of U.S. fishing practices and management takes a significant amount of time due to the complexity of the regulatory and socio-ecological environments. Often, fishermen and regulators are being asked to provide information for purposes and on spatial scales that have never been encountered before. These data collection and analytical activities can take months or years to get right. Fishermen have been asking to commence these necessary planning activities for years but continue to be told that it’s too early in the process—then, once the frenzy to develop arrives at their door, they’re told it’s too late.

¹ See comment letters on BOEM’s recent Proposed Sale Notice for the New York Bight: https://rodafisheries.org/wp-content/uploads/2021/08/210813_PSN-NY-Bight.pdf (RODA); <https://www.regulations.gov/comment/BOEM-2021-0033-0108> (RODA); <https://www.regulations.gov/comment/BOEM-2021-0033-0118> (Fisheries Survival Fund); <https://www.regulations.gov/comment/BOEM-2021-0033-0055> (Garden State Seafood Association).

² Methratta, E. T. (2020). Monitoring fisheries resources at offshore wind farms: BACI vs. BAG designs. *ICES Journal of Marine Science*, 77(3), 890-900.

Early Decisions Are the Most Important

The opportunities for public input in the federal leasing process alone do not occur often or early enough to ensure that conflicts are reduced. Fishermen must never be seen as merely a risk in the offshore wind leasing process. If anything, offshore wind developers are the newest stakeholders in our nation's centuries-old fishing industry, which provides our nation with irreplaceable benefits: jobs, revenue, food security, tourism, recreation, meals on dinner plates, traditional ecological knowledge... and a significant contribution to America's very identity.

The large amount of materials placed in the ocean for OSW mean that most fishing gear types cannot operate within a wind energy area at all, and others will be limited. This conclusion is evident from even a basic understanding of fishing vessel operations and has been demonstrated in fixed and floating arrays abroad. Therefore, siting is the single most important decision toward determining whether a project is compatible with fishing. Despite the importance of the siting process, BOEM is rapidly and deliberately proceeding with siting activities without minimal to no contact with fishing experts.

The federal approach to OSW development planning removes areas from consideration that impact national security activities, viewshed, shipping, and other existing ocean uses before lease areas are identified, resulting in fisheries remaining single most conflicting activity. In contrast with how these other uses are treated, only during late stages of the National Environmental Policy Act (NEPA) review process are fisheries considered. Fisheries need to be an integral part of the process before key decisions and project investments are made; well-informed, data-based planning needs to occur now.

BOEM only conducts a full environmental review at the late stages of project permitting, and decision points in that process are limited to those with a federal nexus. In reality, most project decisions occur at the state level, and project design parameters are locked in via power contracts long before BOEM initiates its NEPA review or considers any range of alternatives. This point has been raised repeatedly by fishing groups across the nation, even back in 2015 when BOEM issued a Request for Feedback on its leasing program. Transparent and inclusive planning needs to occur either separately to the NEPA process in conjunction with the way project decisions are made, or through programmatic regional NEPA reviews focused on energy needs, costs, and cumulative environmental effects (including any climate benefits). Moreover, BOEM should not consider unsolicited bids from prospective wind energy developers. An unsolicited bid is, by nature, an end-run around any effective public multi-sectoral public process as it predisposes decisions based on mere reliance that a private party has done its due diligence.

Coordination Challenges

The division of important steps in wind energy leasing processes between federal and state governments has created an atmosphere of disorganization from the fishermen's perspective. While these are federal projects, states drive much of the decision making through the power procurement process, Coastal Zone Management Act review authority, and incentives for development. While states should consider and prevent local impacts, this decentralization of power has led to the federal process being largely ineffective from a public participation standpoint.

Just as fish cannot recognize state borders, so too do fishermen operate in areas defined by resource ecosystems rather than state boundaries as governed by federal regulations. The combination of state, federal, wind energy industry, NGO, academic, and other initiatives that demand attention from any individual fishing business is simply overwhelming—especially when diligent participation has resulted in no tangible benefits to fishermen. When critical leasing and project decisions are made by so many different actors, fishermen who “do everything right” and participate in good faith are shocked to find they have done so only after key decisions have already been made—or told their input is too early—or it's in the wrong forum, or the wrong region—or long past the time where sufficient baseline data can be collected—and their knowledge therefore has little value at all. This is what we refer to as a “divide and conquer” approach and is no way to promote “coexistence.”

Enhanced Collaboration Needed

The fishing industry created RODA to better coordinate and amplify the concerns of commercial fishermen and to better include their expansive knowledge into offshore wind development processes. Shortly after formation, RODA signed a 10-year Memorandum of Understanding with BOEM and the National Marine Fisheries Service (NMFS). Our goals have always been to work more closely alongside our government partners to educate our membership of project development and provide good information to both NMFS and BOEM on industry concerns.

RODA has also found it useful to work directly with wind energy developers, but these opportunities are challenging to create when the federal and state agencies are so deferential to any project plans and given the enormous resource inequality between the two industries. When direct collaboration has resulted in measurable outcomes, they are relatively minor, and developers are poorly incentivized to modify plans once state power purchase agreements—which is before most fisheries outreach—lock in project parameters and the federal government is unwilling to impose any requirements upon the developers.

Goals for Improving OSW Planning

The fishing industry stands willing to use its knowledge about ocean ecosystems to create innovative, effective solutions for climate and environmental change. There are opportunities for mutual wins, however, offshore wind development is an ocean use that directly conflicts with fishing and primary food production, while imposing significant impacts on marine habitats, biodiversity, and physical oceanography.

RODA members have consistently identified goals ripe for collaboration with federal and state agencies, offshore wind developers, and other organizations. A full list of actionable items are available on [RODA's Offshore Wind page](#)³ centered around the following goals:

- Improve environmental review and project decision making;
- Remove barriers to participation in planning processes;
- Ensure navigational safety;
- Support seafood business and community longevity;
- Develop solutions for responsible transmission; and
- Enhance research.

Impact Fees

Aggressive state renewable energy procurement goals drive offshore wind markets, opening the door for variable approaches to compensatory mitigation and disruption payments, which are appropriately termed “impact fees.” These discussions, first and foremost, need to be transparent and inclusive. It is absolutely imperative that fisheries mitigation follows a stepwise approach:

1. Avoid impacts to the extent possible
2. Minimize any impacts that cannot be avoided
3. Mitigate any impacts through appropriate spatial, seasonal, or technological controls
4. ONLY once those steps have been followed, consider disruption payments for fishery losses.

This can only be effective if it is employed before, during, and throughout project development. At the present, “fisheries mitigation” is approached as an afterthought only at the very end of the federal process and based on state-specific requirements rather than any sound planning. And relying on cash payments to “buy out” fishermen rather than minimizing impacts up front does nothing to preserve our coastal communities, history and culture, and sustainable fisheries.

³ <https://rodafisheries.org/offshore-wind/>.

BOEM's analyses only consider ex-vessel revenues, not shoreside infrastructure, seafood market, or community impacts. In but one example, an independent scientific analysis showed that the economic multiplier was 6.64 times the ex-vessel value.⁴ Nor do BOEM or states' planning activities consider critical effects on environmental justice community members employed in, or culturally linked to, the fishing sector work who will be unable to transfer skills to OSW construction or maintenance. These must be considered not only in initial and ongoing lease and contract planning, but in downstream fees for residual impacts.

Recently, BOEM has initiated a long overdue process to determine fisheries impact fees for future offshore wind lease sales. Unfortunately, the agency appears to be partnering with states rather than directly with the fishermen, businesses, community associations, and fisheries experts who these programs would be intended to benefit. Again, there is risk that BOEM will put the fishing industry in a reactionary position, rather than engaging them as a true partner, particularly on issues as complex as the determination, allocation, and administration of impact fees.

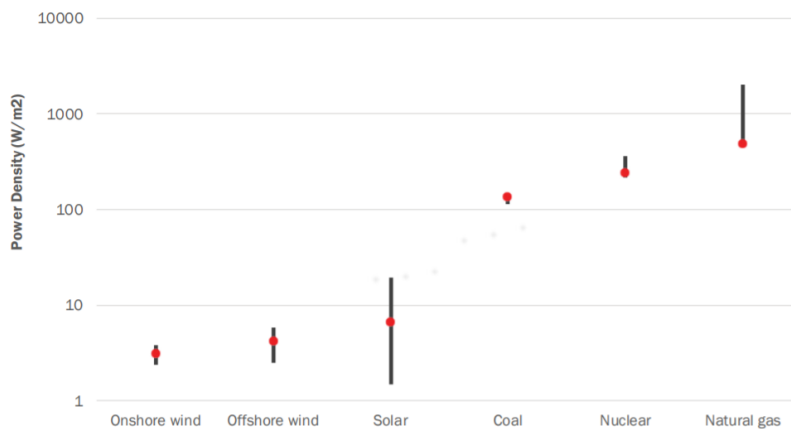
Science and Research Need Improvement

Mitigating climate change is a critical and difficult task, yet it is simply impossible to procure energy without any impacts whatsoever. These are huge industrial projects with very large footprints—hundreds or thousands of turbines in clusters, each more than twice the height of the Statue of Liberty—and their impacts can only be minimized or mitigated if we have a full understanding of what those are and the tradeoffs involved. In fact, offshore wind is among the lowest power density energy sources, making it particularly important to understand the impacts to ecology and biodiversity that may result across its large footprint.⁵

⁴ <https://scemfis.org/finfish-publications/>; https://scemfis.org/wp-content/uploads/2020/03/LFS_EI_Report.pdf.

⁵ Source: Samantha Gross, "Renewables, Land Use, and Local Opposition in the United States," Brookings Institution, January 2020 (citing John van Zalk and Paul Behrens, "The spatial extent of renewable and non-renewable power generation"), https://www.brookings.edu/wp-content/uploads/2020/01/FP_20200113_renewables_land_use_local_opposition_gross.pdf.

FIGURE 1: POWER DENSITY OF SELECTED SOURCES OF ELECTRICITY



The bars represent the range of values and the dot represents the median value.

Too few scientific studies have been performed on many of the known ways that offshore wind development will impact fishing operations. Even in Europe, where projects have been in place for decades, the European Parliament recently found there is “a clear gap of economic and socio-cultural impact assessments,” including direct and indirect costs of lost fishing opportunities, and that the construction of new wind turbines can have severe negative impact on marine life and fisheries, which are expected to increase in coming years.⁶ In but some examples, we have found no publicly available information to inform minimum cable burial depths necessary to prevent exposure,⁷ much less to minimize impacts from heat or electromagnetic fields that may transfer from the cable to benthic sediment or the water column. We have similarly been unable to identify any credible data on the full distance and magnitude of the considerable radar interference that wind turbines are known to generate. There has been no discussion whatsoever of what project decommissioning may look like—much less environmental requirements for doing so—despite our understanding that currently the only way to decommission the large monopile turbines proposed for several existing projects is to chop them off at the base and leave the foundations in the seafloor *forever*, and that solutions for turbine blade recycling are in their infancy.⁸

⁶ [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/652212/IPOL_STU\(2020\)652212_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/652212/IPOL_STU(2020)652212_EN.pdf); see also <https://www.europarl.europa.eu/news/en/press-room/20210701IPR07524/parliament-raises-alarm-on-future-construction-of-offshore-windfarms>.

⁷ Both the Deepwater Wind cable and National Grid’s Sea2shore Cable associated with the Block Island offshore wind facility have become exposed, despite assurances that the risk of such an event was extraordinarily low. Cables in Europe are also frequently exposed. See <https://www.bloomberg.com/news/articles/2021-04-29/wind-power-giant-s-profit-hit-by-rocks-on-the-seabed#:~:text=Orsted%27s%20Race%20Bank%20wind%20farm,the%20seabed%20to%20prevent%20erosion>. BOEM has yet to even issue a comprehensive chart of approved and planned cable routes. However, there is evidence that developers could hold fishermen financially liable for damage to these multimillion dollar cables. <https://www.offshorewind.biz/2021/09/09/using-ais-monitoring-to-reduce-the-risk-of-subsea-cable-failures-caused-by-external-factors/>.

⁸ <https://www.bloomberg.com/news/features/2020-02-05/wind-turbine-blades-can-t-be-recycled-so-they-re-piling-up-in-landfills>.

Not only will ecological resources be impacted but the coastal communities and businesses reliant on seafood harvesting could be detrimentally impacted by unchecked offshore development as well. For example, 21.26% of Atlantic surfclams landed in Atlantic City come directly from grounds that overlap with the Atlantic Shores, Ocean Wind and the 8 proposed lease areas in the Proposed Sale Notice for the New York Bight (2008-2019 data). If the biological resource is critically impacted, or operational demands of the fishery prohibit access in these wind energy areas (which will be the outcome if current project and lease parameters remain unchanged, as clam vessels will be unable to operate without a minimum of 2 nm spacing between turbines) the entire industry in that local community could collapse.⁹ Similarly, one west coast company could lose forty percent of its pink shrimp supply from one proposed energy area off Washington, potentially forcing the closure of an entire processing plant. These “downstream” impacts are currently not being analyzed by regulatory authorities but could have devastating impacts to the coastal communities reliant on them.

Another ecological effect that could influence impacts to fisheries from OSW is changes in ocean circulation patterns. The Cold Pool is a 20-60 meter thick band of cold, near-bottom water that persists from spring to fall over the mid and outer shelf of the Mid-Atlantic Bight and the southern portion of Georges Bank. The Science Center for Marine Fisheries (SCeMFIS) prepared a report titled “Could federal wind farms influence continental shelf oceanography and alter associated ecological processes? A literature review,” which outlines available research that indicates turbines and their foundations likely will have an impact on both atmospheric and oceanic processes but are influenced by multiple factors including “study site, wind speed conditions, turbine size, farm size and orientation, and underlying oceanographic and atmospheric conditions.”¹⁰ If the cold pool is disrupted and primary production is reduced, prey species would also be expected to decline, negatively affecting multiple trophic levels and seafood production.

The ecological implications of wind energy development remain largely unknown, on fishery-specific and ecosystem levels. This is due in part to a failure (in the U.S., Europe, and Asia) to collect pre-construction baseline information at the appropriate spatial scales on which to measure impacts. The clear consensus among fisheries experts and scientists is that we do not have adequate data for this purpose. There are no requirements for scientifically credible standards for baseline data collection akin to those required by the Magnuson-Stevens Act for fishery management surveys and activities. In fisheries management, surveys must follow rigorous scientific methods and are often robust due to long time series; surveys of lease areas being developed by offshore

⁹ Further details in comments submitted by Surfside Foods, LLC to Docket No.: BOEM-2021-0033-0101.

¹⁰ Science Center for Marine Fisheries, “Could federal wind farms influence continental shelf oceanography and alter associated ecological processes? A literature review” (2020) <https://scemfis.org/wp-content/uploads/2021/01/ColdPoolReview.pdf>.

wind developers are not required to be compatible with existing methodology and have little to no mandatory oversight by external experts, such as NMFS or state agencies. It is deeply concerning that an emerging industry that will convert ocean habitat as we know it is not held to the same scientific standards as the established and sustainably managed fishing industry.

By rushing to develop without understanding environmental impacts, we risk making potentially catastrophic mistakes not only in the first few projects, but repeating those mistakes again and again because we will not learn how to make informed adjustments on future projects.

* * * * *

RODA was founded with the hope of minimizing the “divide and conquer” approach to interacting with commercial fishermen in a rapidly developing ocean. Our successes have come from our ability to collaborate with all fishermen and fishing-related businesses that will be affected by wind energy development. Fishermen hold a broad range of beliefs and approaches to their interactions with other ocean users. They are also the single best source of information on our offshore environment. Their knowledge must be brought to bear in a constructive and time-appropriate manner to ensure that one renewable resource is not developed at the expense of another. Please do not hesitate to reach out if the Committee has any questions or if we can provide additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Annie Hawkins', with a long horizontal flourish extending to the right.

Annie Hawkins, Executive Director
RODA
annie@rodafisheries.org