



**CITY OF NEW BEDFORD**  
JONATHAN F. MITCHELL, MAYOR

April 28, 2021

Amanda Lefton, Director  
Bureau of Ocean Energy Management  
United States Department of Interior  
1849 C Street NW  
Washington, D.C. 20240

Re: BOEM Notice of Preparation of Environmental Assessment for the New York Bight Wind Energy Area

Dear Director Lefton:

I write on behalf of the Port of New Bedford, Massachusetts, the nation's top grossing commercial fishing port, the center of commercial fishing on the East Coast, and home port to the U.S.'s largest Atlantic sea scallop fleet--the nation's most profitable fishery.

My purpose is to inform BOEM's decision-making on Area Identification and future lease sales associated with the New York Bight, and to stress the vital importance of pursuing alternatives that balance the Port's and the nation's prospective interest in offshore wind energy with existing fisheries interests.

As you know, New Bedford is an emerging center of the U.S. offshore wind energy industry, and home to the New Bedford Marine Commerce Terminal, the nation's only purpose-built offshore wind staging facility and the site of the nation's first industrial-scale offshore wind project, Vineyard Wind. The Port's robust marine industry cluster and its geographic proximity to the U.S.'s largest concentration of ocean wind energy areas, position New Bedford in a leadership role in offshore wind for years to come. Having worked hard to reach this point, we welcome the opportunities that industry will offer.

At the same time, New Bedford is committed to ensuring that offshore wind advances in ways that safeguard the viability of commercial fishing enterprises. BOEM and all those working to develop the offshore wind resource must also take into account New Bedford's unique role as the center of commercial fishing activity that stretches from the Gulf of Maine to the Carolinas, as well as the special role that New York waters play in New Bedford's success.

New Bedford lands over \$400 million in seafood annually, with 80% of that value derived from scallops -- representing more than 60% of America's scallop catch. The success of the fishery is attributable in part to its sustainability. According to NOAA Fisheries, the "U.S. wild-caught Atlantic sea scallop is a smart seafood choice because it is sustainably managed and responsibly harvested under U.S. regulations."

New Bedford therefore has an acute interest in the preservation of the well-managed and thriving Atlantic sea scallop fishery in the New York Bight that supports thousands of jobs in our region. The Hudson South Wind Energy Area alone accounted for nearly \$100 million in scallop landings over the period 2012-2016, with the overwhelming share of the scallops landed in New Bedford. Overall, the New York Call Areas represented \$268 million in scallop landings over the same five-year period. Scallops are the dominant source of economic value derived from the Call Areas, accounting for 80% of the total landed value across all five major fisheries harvested from the Call Areas.

### **Area Identification**

The March 26, 2021 Area Identification Memorandum prepared by BOEM Chief James Bennett outlined BOEM's approach to developing alternatives for consideration for the Environmental Assessment supporting the New York Bight WEA lease sale. A key starting point for the development of alternatives is the recognition that the WEAs have been established on significant scallop fishing grounds. According to Area Identification Memorandum Figure 18, virtually the entire Central Bight WEA is located on a "high" scallop value area.

Of particular note, the Hudson South WEA contains important scallop habitat along its eastern flank where it abuts the scallop fishery's Hudson Canyon Scallop Access Area. I wish to highlight Hudson South WEA as I believe there is an important opportunity to refine the approach taken to the Hudson South WEA which reduces potential impacts to the scallop fishery and facilitates the harmonious coexistence of wind and fishing interests.

Specifically, the Environmental Assessment should include an alternative that better insulates the Hudson Canyon Access Area from the potential for sedimentation and changes in oceanic currents from an adjacent wind farm. Scallops are filter feeders that inhabit relatively hard bottom ocean areas. Sedimentation can interfere with scallops' ability to filter feed, as well as rendering an area unsuitable for a juvenile scallop to affix itself to the bottom and grow. Researchers are also currently evaluating the impact of changes in ocean currents caused by wind turbine arrays on scallop larval settlement.

Accordingly, one potential alternative would be to consider eliminating from the Hudson South WEA a five-mile wide strip along its south-eastern facing boundary. Such an alternative would provide precautionary protections to scallop habitat within and adjacent to the Hudson South WEA to the long-term benefit of the Hudson Canyon Access Area.

Access areas, like the Hudson Canyon Area, represent a critical element of scallop resource conservation and management. The scallop fishery is managed on a rotational basis, similar to terrestrial farming. Access areas of historic scallop productivity, such as the Hudson Canyon Access Area, are closed periodically when resource surveys show the area contains large

concentrations of small scallops. Scallop larvae settle and grow in a series of predictable, historically productive areas, where oceanic currents, bottom conditions, and water depth are ideal. An access area is re-opened when the scallops there reach a large harvestable size.

Scallop rotational fishing increases optimum scallop yield. If relatively larger scallops are harvested, fishing mortality is reduced because fewer animals need to be harvested to produce a pound of scallops. The marketplace highly values relatively larger scallops. Vessels are currently receiving well over \$20, and even over \$30, per pound for “access area scallops” at the start of fishing year 2021. (These prices are double the prices the National Marine Fisheries Service has used to estimate the value of scallops landed from the New York Bight.)

Rotational fishing also reduces habitat and bycatch impacts because scallop vessels are able to concentrate their fishing effort on dense concentrations of large scallops. Because each “access area trip” is limited to a certain number of pounds of scallops, the harvest is strictly controlled and can be managed for multiple years of production.

The creation of a “buffer” area between the Hudson South WEA and the Hudson Canyon Access Area is an attractive approach because it is grounded, not strictly on fisheries science and management, but on input from provided by offshore wind interests, as well. As can be seen from Figure 4 (New York nominations) of the Area Identification Memorandum, developers nominated virtually none of the 5-mile strip along the south-eastern facing WEA boundary in response to the 2018 Call for Information and Nominations. Likewise, Figure 18 (Scallop Fishing Intensity) from the Area Identification Memorandum provides record evidence that areas of the most intense scallop fishing in the Hudson South WEA mostly corresponds with areas that developers did not nominate in response to the Call.

In sum, an alternate treatment of the Hudson South WEA south-eastern boundary would confer demonstrable benefits to the scallop fishery and fishing interests, in an area of relatively low value to the wind industry.

### **Determining Economic Impact**

The Port of New Bedford has argued that, as a matter of basic fairness, that BOEM’s approach to mitigation should be designed to directly account for the value of economic loss suffered. Calculating lost economic opportunity in a way that adjusts for non-economic factors is ultimately subjective, inequitable, and fundamentally a contradiction in terms.

The Area Identification Memorandum confirms what commercial fishing interests have long held, namely that the commercial fishing industry will incur measurable economic losses from the New York Bight WEAs’ construction and operation. But in adopting a “Relative Use Index,” BOEM has elected to increase, not minimize, the WEAs’ absolute economic impacts by selecting metrics that serve to effectively prioritize lower value landings even at the greater impact to higher value landings.

Specifically, in electing not to employ a “strict revenue analysis,” (Area Identification Memorandum at 14), the Relative Use Index approach significantly down-weights the WEAs’ economic impact on scallop fishery participants. In fact, in creating both the Hudson North WEA and Central Bight WEA, BOEM specifically recognized the absolute economic loss to

scallop fishery participants was greater than the corresponding benefit to other fishery participants. (Area Identification Memorandum, at 33, 35). In other words, by focusing on fishing effort as a marker of economic loss, BOEM diminishes the value of scallop landings. Because scallops are sedentary, harvesting effort often is lower than that of fin fish, even through their market value per pound tends to be higher. It is for this reason that the mitigation measures used by BOEM should compensate scallop, and similarly affected fishery participants, based on absolute loss.

Thank you for your consideration of these comments. I look forward to working collaboratively with BOEM on matters related to both offshore wind and commercial fishing in the years ahead so that we can promote the success of both industries.

Sincerely,



Jon Mitchell  
Mayor, City of New Bedford  
Chairman, New Bedford Port Authority

Cc: Senator Elizabeth Warren  
Senator Edward Markey  
Congressman William Keating  
Congressman Jake Auchincloss  
Governor Charlie Baker  
Lieutenant Governor Karyn Polito  
Attorney General Maura Healey  
Secretary Kathleen Theoharides  
Dan McKiernan, Director, MA Division of Marine Fisheries  
New Bedford State Legislative Delegation  
New Bedford Port Authority Commissioners  
New Bedford City Council