



April 16, 2021

Secretary Kathleen Theoharides
Executive Office of Energy and Environmental
Affairs
100 Cambridge St., Suite 900
Boston, MA 02114

Lt. Governor Karyn Polito
Massachusetts State House
24 Beacon St.
Boston, MA 02133

Dear Secretary Theoharides and Lieutenant Governor Polito,

We are providing this letter in response to the March 31, 2021 meeting of the Massachusetts Fisheries Working Group on Offshore Wind Energy (FWG), including the email requesting comments on the South Fork Wind Economic Impact Assessment and draft Terms of Reference for the FWG.

As FWG members have repeatedly communicated to the state, “the process to receive input from the fishing community is broken and in need of a significant overhaul” including the administration of the FWG (*see appended letter of 5/29/20 from MA Fishermen’s Partnership and other MA fishing organizations*).

In that letter, we indicated:

1. The Vineyard Wind compensation plan and model must not serve as a precedent for future agreements;
2. The state must commit significant time and resources to the FWG to work through the many issues associated with OSW’s impacts to the environment and seafood; and
3. EEA officials must develop a basic understanding of the Massachusetts fishing industry.

It is incredibly disappointing that nearly a year has passed with absolutely no changes or responsiveness to these reasonable concerns and the continuance of “business as usual” from the FWG. We therefore now reiterate those points, provide greater clarity, and expect a timely substantive response. Importantly, these remarks are not intended as attacks on OSW generally and we believe we can work effectively together. However, barring changes in this failed communication structure we may choose to disengage from the FWG in the future, recognizing our community’s decision to boycott BOEM’s NY Bight Task Force meeting this week as an example of an unfortunate outcome when systems are not designed to promote collaboration.

Terms of Reference

The following requests are specific to the draft FWG Terms of Reference:



1. The state must convene a separate committee *only* for seafood industry members and their representatives to advise the state on OSW concerns. The state should support the industry in self-organizing so that it may provide useful suggestions for OSW improvements, through RODA or otherwise. We requested this in an industry-wide sign-on letter to the Gulf of Maine state governors last spring (*appended*), but the reply letter we received from Secretary Theoharides lacked clear commitments to address this.
2. The state must clearly identify roles and responsibilities for participants in the joint FWG that includes OSW developers. A formal set of participants must be chaired or co-chaired by a fishing industry representative.
3. Developers must provide updates regarding their projects *regularly* and *in writing*. This is the only way to effectively get this information to the fishing community. For years, RODA and MA fishermen have clearly and consistently requested developers to provide this information in accessible formats so that they may disseminate it to fishing communities and have done significant scoping of how this could be successful. The developers have refused since it is not a permitting requirement and we cannot accomplish this alone.
4. FWG meetings should consist of presentations from fishing groups regarding their needs, activities, and funding priorities. This direct dialogue with the state is completely missing and FWG meetings are reserved only for developers' information sharing.
5. Agendas must be provided two weeks in advance, with sufficient time for comments after a meeting.
6. Meeting schedules must be regular, predictable, and effectively sequenced with relevant OSW decision points.
7. The FWG website must be kept up to date, and should work through RODA to provide a one-stop shop for information on multiple state and project activities since projects and meetings in other states also impact MA fishermen.

South Fork Assessment

We decline to provide detailed feedback about the “economic assessment” for the following reasons:

1. *We reject in the strongest possible terms the adequacy of the information provided and the process by which it was presented as a basis for any compensatory mitigation agreement.* If the state's intention is to use this presentation as the basis of an assessment of impact fees, it must do so transparently, publicly, and with fishermen's involvement. The purpose of this presentation was not stated at the FWG meeting.
2. The presentation provided no methodology except the name of the model used, “IMPLAN,” so cannot be independently corroborated.
3. The multiplier factor used is significantly lower than other commonly accepted and scientifically accepted calculations.



4. The presentation's "exposure assumptions" are not backed with any supporting information whatsoever and grossly undervalue fisheries impacts.
5. The presentation references a larger report that was not publicized.
6. The time period allotted for comment does not allow for an independent economic analysis.

Other Specific Requests

1. The Secretary and Lt. Governor must take an active role in resolving existentially threatening conflicts between our state's historic fishing industry and the new one it actively promotes, including but not limited to your attendance at future FWG meetings.
2. Impact fees are a matter of critical importance, and these cannot be effectively addressed through the existing FWG structure; fishermen must be empowered to negotiate constructively. Massachusetts has a history of requiring impact fees from activities that significantly affect fishing and this different approach is incomprehensible.
3. Projects should be required, through impact fees, to fund items identified among the fishing sector through the independent committee requested above. These may include seafood marketing, fisheries development, alternative harvest strategies, etc.
4. Impact fees must also be assessed at regional, federal, and cumulative levels such that state protectionism does not create disparities among states or prevent fair compensation to any impacted fisheries permit holders or shoreside businesses.
5. Additional fees should be leveraged on OSW procurements toward fisheries research, such as is required by NY and NJ.

We look forward to your response to each of these points and suggestions for a mutually agreeable path forward.

Katie Almeida
The Town Dock

Eric Hansen
Hansen Scalloping Inc.

Dan Orchard
Fishing Partnership Support
Services

Peter Anthony & Ronald Enoksen
Nordic Fisheries Inc.

Annie Hawkins
RODA

John Pappalardo
Cape Cod Commercial Fishermen's
Alliance

Edward Barrett & Angela
Sanfilippo
Massachusetts Fishermen's
Partnership

Fred Mattera
Commercial Fisheries Center
of RI

Angela Sanfilippo
Gloucester Fishermen's Wife
Association

Shelley Edmundson
Martha's Vineyard Fishermen's
Preservation Trust

Jackie Odell
Northeast Seafood Coalition

Ronald Smolowitz
Fisheries Survival Fund



MASSACHUSETTS FISHERMEN'S PARTNERSHIP, INC

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Boston Harbor Lobstermen's Co-operative
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North Shore Community Tuna Association
Pigeon Cove Fishermen's Co-Op
Plymouth Lobstermen's Association
Provincetown Fishermen's Association
South Shore Lobstermen's Association
Women of Fishing Families

Director Lisa Berry Engler
Massachusetts Office of Coastal Zone Management
251 Causeway Street, Suite 800
Boston, MA 02114

Dear Ms. Engler:

We are surprised and dismayed that officials in the Massachusetts Executive Office of Energy and Environmental Affairs (EEA) and Office of Coastal Zone Management (CZM) would develop and accept Vineyard Wind's mitigation plan for the commercial fishing industry without a legitimate effort to involve the input of the commercial fishing industry.

You released news of this agreement after nearly a year of silence. And you did so at the close of business on a Friday before a long weekend in the midst of a pandemic. This is not the type of cooperation we expect from our government.

This is not a plan that we would accept because it fails to mitigate the predicted damage to the marine environment, our coastal communities, and the supply of fresh seafood to the residents of Massachusetts. If we had been involved in a legitimate process to provide input in this agreement, we could have made significant improvements that would have benefitted the residents of Massachusetts.

As this pandemic has shown, Massachusetts has significant weaknesses in its food security and food supply chain. The people of Massachusetts need the fishing and seafood industries for a healthy source of protein. Over the past few months, we have worked on ways to feed people with multiple government groups, including the Coastal Caucus of Legislators, the Seaport Economic Council, and the Division of Marine Fisheries. We are frustrated that we could be working effectively alongside so many government officials, but not the EEA or Office of Coastal Zone Management (CZM).

The Massachusetts Fishermen's Partnership (MFP) and the fishing community groups that signed this letter as supporters represent the key stakeholders that you thank in your email for providing input in the development of this plan. Combined we represent thousands of commercial fishermen in Massachusetts and the Northeast. But you did not include us in the development of this plan.

May 29, 2020

As far as we can tell, this plan was developed by Vineyard Wind through private meetings and consultations with officials from Massachusetts government. Massachusetts officials may have had the best of intentions for the fishing community, but they are not the fishing community and should not have developed a plan on behalf of the fishing community.

Back in December 2018, the Responsible Offshore Development Alliance (RODA), sent a letter to Vineyard Wind and copied you stressing that mitigation must be done in a “transparent, holistic, and well-structured manner.” This process did not meet those criteria.

We think you would agree that the process to receive input from the fishing community is broken and in need of a significant overhaul. There was one Fisheries Working Group on Offshore Wind Energy (Working Group) meeting on Vineyard Wind’s proposed plan. It occurred on May 16, 2019 when Lars Pederson, vineyard Wind’s CEO, gave the fishing industry its first view of a one-sided plan developed without input from the fishing community. The plan dramatically undervalues the fishing industry and dismisses legitimate concerns raised by the fishing community and the National Marine Fisheries Service. There were no other Working Group meetings to discuss ways to improve Vineyard Wind’s plan or address the legitimate concerns it dismissed.

The MFP was so alarmed by the inadequacies in Vineyard Wind’s analysis that it worked with Dr. Tom Sproul, an economist from the University of Rhode Island, to review the plan. Dr. Sproul wrote a comprehensive report that was submitted to EEA on May 31, 2019.

The MFP received no feedback from EEA on Dr. Sproul’s report. Remarkably, EEA allowed Vineyard Wind to include a response to Dr. Sproul in its agreement with the state, but not Dr. Sproul’s original report.

We request that you acknowledge that this mitigation plan was created without a legitimate process to include input from the fishing community by committing to the following:

1. This is a standalone mitigation plan and may not be used as a model or precedent for future mitigation agreements with Vineyard Wind or other offshore wind energy companies seeking any type of approval or permitting from Massachusetts, including federal consistency review.
2. Commit the proper time and resources to the Fisheries Working Group so that it can develop a legitimate process for involving the fishing community and work through the many issues that need attention to prevent offshore wind development from doing irreparable harm to the environment and supply chain of fresh seafood.
3. Commit to having officials within EEA develop a basic understanding of the Massachusetts fishing industry. We are proud of our fishing history, the jobs we create, and the people we feed. We need officials from EEA to understand the fishing industry as well as they understand the wind energy industry if there is going to be an equitable process towards co-existence.

Sincerely,



Angela Sanfilippo, Executive Director



Edward Barrett, President

Fishing Industry Supporters in Addition to MFP Member Organizations

Responsible Offshore Development Alliance

(Membership Across East Coast)

Fisheries Survival Fund

New Bedford, MA

(Membership Across East Coast)

Boston Fisheries Foundation

Boston, MA

Eric Hansen

Hansen Scalloping Inc.

New Bedford, MA

F/V Endeavor and F/V Intrepid

Al Rencurrell

Nantucket Sound Seafood LLC

New Bedford, MA

F/V Miss Kara

F/V Miss Iris

F/V Sea Fox

Gerald O'Neill

Cape Seafoods Inc.

Western Sea Fishing

Gloucester, MA

F/V Endeavour

F/V Challenger

Tory Bramante

Atlantic Coast Seafood, Inc.

Boston, MA

F/V America

F/V American Pride

F/V Padre Pio

Northeast Fishery Sector II

Gloucester, MA

Northeast Fishery Sector VI

Boston, MA

Tim Barrett

Northeast Fishery Sector X

John Haran

Northeast Fishery Sector XIII

Massachusetts and Rhode Island

Libby Entrie

Northeast Sector Service Network
Gloucester, MA

CC:

Governor Charlie Baker
Lieutenant Governor Karyn Polito
Massachusetts Coastal Caucus of Legislators
Secretary Kathleen Theoharides, EEA
Undersecretary Dan Sieger, EEA
Commissioner Ronald Amidon, Department of Fish and Game
Director Dan McKiernon, Division of Marine Fisheries
Fisheries Working Group on Offshore Wind Energy
Mayor Jon Mitchell, New Bedford
Mayor Sefatia Romeo Theken, Gloucester
Mayor Marty Walsh, Boston



Responsible Offshore Development Alliance

April 14, 2020

Governor Charlie Baker
Massachusetts State House
24 Beacon St.
Office of the Governor, Room 280
Boston, MA 02133

Governor Chris Sununu
Office of the Governor
State House
107 North Main Street
Concord, NH 03301

Governor Janet T. Mills
1 State House Station
Augusta, ME 04333

Dr. Walter Cruickshank, Acting Director
Bureau of Ocean Energy Management
1849 C Street NW
Washington, D.C. 20240

Dear Governor Baker, Governor Mills, Governor Sununu, and Director Cruickshank:

On behalf of fishing industry and community leaders who live and operate in the Gulf of Maine (GOM), the Responsible Offshore Development Alliance (RODA) offers the following four requests for your consideration in regards to offshore wind development in the GOM.

RODA is a membership-based coalition of fishery-dependent companies and associations committed to improving the compatibility of new offshore development with their businesses. Our approximately 170 members are comprised of major fishing community groups and associations, individual vessels, and shoreside dealers operating in federal and state waters of the New England, Mid-Atlantic, and Pacific coasts. We have many members from your states that operate in the Gulf of Maine (GOM) who have witnessed how offshore energy development has unfolded in other regions, and are very concerned that the same fragmented process will occur in their fishing grounds.

Due to the planned use of floating offshore structures for wind energy development in the GOM, lease areas will become de facto closures to fishing. Technology is evolving to minimize the footprint of the base of an offshore wind platform, but current proposed technologies still have mooring lines and flexible cabling that will make any type of fishing – fixed or mobile gear – incredibly unlikely within a wind energy area (WEA). Offshore wind energy development in the GOM is therefore a topic of extreme concern to the region's fishermen and fishing-dependent communities.

First, given the unprecedented nature of the global pandemic we are experiencing, we respectfully request a **six-month pause** in the regulatory process for Outer Continental Shelf (OCS) renewable energy development in the GOM. Public participation and engagement is exceedingly important throughout the entire regulatory process, but especially at the early stages of project siting since floating wind energy facilities will constitute fisheries closures for the reasons described above. Due to COVID-19 many meetings and opportunities for this engagement have been postponed until further notice. Additionally, as the pandemic is

having immense financial impact on all American businesses, the fishing industry is no exception. Many resources, including time and effort, from the commercial fishing sector must be diverted to addressing the issue at hand, leaving insufficient opportunities for meaningful engagement in the siting and other planning of potential offshore renewables.

In addition to the good faith that will be earned by committing to move forward only once fishermen can be actively involved, there are other benefits that may be recouped by taking this (non)action. A principle concern from the fishing industry is how these wind turbines will impact the marine ecosystem. As any good scientist knows, baseline data is fundamental to answering any research question about environmental change. A delay in the siting process will allow for an opportunity to generate a longer time series of baseline data, which is incredibly important for understanding an ecosystem that is defined by variable seasonal and inter-annual cyclical changes. Furthermore, in the GOM there are major fisheries data deficiencies including, notably, for the lobster fishery. Slowing the process down would allow better opportunities for industry to develop strategies to generate and share data in a meaningful way to help inform the siting of offshore development. We therefore request that this time be used to engage in the research activities needed to responsibly inform offshore wind energy planning—both through gathering existing data and building out new data streams—while also forming the necessary structures and processes to support constructive engagement once the public health crisis subsides.

Second, we feel it is imperative to convene a **fisheries-driven GOM regional working group** to fully participate in the offshore development process. Vessels home-ported in Maine, New Hampshire, and Massachusetts all fish in the GOM and have unique spatial and operational needs, and complementary understanding of the ecosystem there. Fragmenting the region's fishermen into state groups (which can be entirely arbitrary for those with federal fishing permits) puts too much pressure on them to follow every meeting and engagement opportunity in each state. Experience in other regions has indicated that a regional group, convened and led by the industry, will be the only fair and equitable way for commercial fishing concerns to be properly addressed. We anticipate this group will improve fishermen's involvement in numerous ways, including the following:

- Provide recommendations to federal and state regulators for involving fishermen and incorporating fisheries science into decision making;
- Empower fishermen to develop consensus in identifying critical fishing grounds or forming other spatial recommendations;
- Coordinate fishermen's involvement while minimizing redundancy for them in federal and state-specific working groups that overlap with fisheries issues;
- Streamline requests for information and provide easily identifiable educational opportunities in order to ensure fisheries professionals are well informed regarding offshore wind energy development and technology;
- Prioritize data requests so that fishing industry participants can better inform their input during siting and transmission discussions with BOEM and potential future developers;
- Improve data streams to include non-electronic fishing vessel traffic and reporting; and

- Generate ideas amongst the industry to improve the use of fisheries-dependent data in renewable energy planning.

We hope that this first-in-the-nation initiative will serve as a model to avoid the acrimonious outcomes seen in other regions. Furthermore, having a well-informed and fully engaged fishing industry *now* will be the determinative factor of whether regulators, developers, and fishermen are collectively able to devise mitigation strategies in advance of project installation (some of which, such as technology or gear innovations, take considerable time to research or implement). Your support of RODA and fishing industry leaders in this approach would demonstrate true leadership.

Third, we would like to reiterate previous requests from RODA, the New England Fishery Management Council, and others to BOEM to **not consider any unsolicited bids** for renewable energy development areas in the GOM, and request the states to support this unanimous request from fisheries experts. Unsolicited bids for offshore development circumvent sufficient and comprehensive engagement with other users, especially fishing communities. Siting of lease areas is paramount to minimizing impacts and de-conflicting with other uses of the OCS and this process ought to be fair and transparent. Because any qualified entity can submit an unsolicited bid, even if such a bid leads to a competitive leasing process, lines arbitrarily drawn on a map are likely to eventually become developed areas. If federal and state regulators genuinely aim to maximize compatibility of the two ocean uses, fishermen from the GOM need their input to be properly and openly evaluated during the planning and analysis phase for delineating WEAs.

Lastly, GOM fishermen are requesting greater transparency in offshore wind procurement goals and their **context within an overall energy strategy**. A more open exchange of information on the relative availability, price, and environmental impacts of all existing and potential energy sources for the region will be beneficial to the citizens of ME, NH, MA, and all those who rely on other resources found in the GOM for their livelihoods.

Thank you for your consideration of these concerns and our request for support on these important issues. We look forward to hearing from you and your staff to further discuss these requests.

Sincerely,



Annie Hawkins, Executive Director
Responsible Offshore Development Alliance
P.O. Box 66704
Washington, D.C. 20035
Email: annie@rodafisheries.org

On behalf of the following fishery-dependent businesses and associations:

Maine

Associated Fisheries of Maine
Maggie Raymond, Executive Director
Maine

F/V Bug Catcha
Gerry Cushman, Owner
Port Clyde, ME

F/V Knotty Lady
Dustin Delano, Owner
Friendship, ME

F/V Jocelyne K
Herman Coombs, Owner
Orr's Island, ME

F/V Jocka
Terry Alexander, Owner
Harpwell, ME

F/V Overkill
James Wotton, Owner
Friendship, ME

Maine Coast Fishermen's Association
Ben Martens, Executive Director
Maine

Maine Lobstermen's Association
Patrice McCarron, Executive Director
Maine

Maine Lobster Dealers' Association
Annie Tselikis, Executive Director
Maine

O'Hara Corporation
Mary Beth Tooley, Government Affairs
Rockland, Maine

New Hampshire

Explore the Ocean World, LLC
Ellen D. Goethel, CEO
Hampton, NH

F/V Ellen Diane
David T. Goethel, Owner
Hampton Harbor, NH

New Hampshire Commercial Fishermen's
Association
Erik Anderson, President
New Hampshire

Northeast Fishery Sector XI
Dan Salerno, Sector Manager
New Hampshire

Yankee Fishermen's Cooperative
Jim Titone, President &
Linda Hunt, General Manager
Seabrook, NH

F/V Patty-B
Dale Blatchford, Owner
Hampton, NH

F/V Sadie Amelia
Norman Moore, Owner
Hampton, NH

F/V Whats Next
Jeffrey Ruccio, Owner
Hampton, NH

F/V Black Swan
Stephen Joyce, Owner
New Hampshire

F/V Miss Maura
Peter Lagerstrom
Hampton, NH



Responsible Offshore Development Alliance

Massachusetts

Cape Seafoods Inc.
Western Sea Fishing Company
F/V Endeavour, Gloucester, MA
F/V Challenger, Gloucester, MA
Gerry O'Neill, President/Director
Gloucester, MA

Cape Cod Commercial Fishermen's
Alliance
John Pappalardo, CEO
Massachusetts

Double Diamond Fishing Corp.
Maurice Lemieux
New Bedford, MA

F/V America
F/V American Pride
F/V Padre Pio
Salvatore Bramante, Owner
Boston, MA

F/V Angela & Rose
Francesco Paul Vitale, Owner
Gloucester, MA

F/V Atlantic Prince
F/V Boomer II
F/V Guardian
F/V Olympia
F/V Tremont
Michael Walsh, Owner
Boston, MA

F/V Explorer II
Bonnie Akerley, Owner
Gloucester, MA

F/V Labor in Vain
Doug Germain, Owner
Gloucester, MA

F/V Midnight Sun
Thomas Testaverde, Owner
Gloucester, MA

F/V Miss Emily
Kevin Norton, Owner
Scituate, MA

F/V My Grace
Frank Sciortino, Owner
Gloucester, MA

F/V Mystique Lady
Joseph Jurek, Owner
Gloucester, MA

F/V Razzo
Joseph Randazzo
Gloucester, MA

F/V Sabrina Maria
Albert Cottone, Owner
Gloucester, MA

F/V Santo Pio
Joseph Orlando, Owner
Gloucester, MA

Fishing Partnership Support Services
J.J. Bartlett, President
Massachusetts

Gloucester Fishermen's Wives Association
Angela Sanfilippo, President
Gloucester, MA

Hansen Scalloping Inc.
F/V Endeavor
F/V Intrepid
Eric Hansen, President
Marion, MA

Massachusetts Fishermen's Partnership
Edward Barrett, President
Massachusetts

Massachusetts Lobstermen's Association
Beth Casoni, Executive Director
Massachusetts

Northeast Sector Service Network Inc.
Libby Etrie, Program Director
Massachusetts

Northeast Fishery Sector II
Joseph Orlando, President &
David Leveille, Sector Manager
Represents 137 permits owned by 64
members; 54 active vessels in the GOM
Gloucester, MA

Northeast Fishery Sector VI
Michael Walsh, President &
David Leveille, Sector Manager
Represents 24 permits owned by 5
members; 12 active vessels in the GOM
Boston, MA

Lund's Fisheries, Inc.
JT Sea Products
Loper Bright Enterprises
Lund-Marr Trawlers, LLC.
Wayne Reichle, President
New Jersey (with operations in MA and ME)

Northeast Fishery Sector VIII
New Bedford, MA

Northeast Fishery Sector X
Timothy Barrett, President
John Haran, Sector Manager
S. Dartmouth, MA

Northeast Fishery Sector XIII
John Haran, Sector Manager
Scituate, MA

Boat Kathleen A. Mirarchi, Inc.
Frank Mirarchi, President & CEO
Scituate, MA

Northeast Seafood Coalition, MA
Jackie Odell, Executive Director
Massachusetts

Atlantic Capes Fisheries Inc.
Atlantic Harvesters LLC
Galilean Seafood Inc.
Sam Martin, COO
New Jersey (with operations in MA and RI)