

**BUREAU OF OCEAN ENERGY MANAGEMENT
FISHERIES MITIGATION GUIDANCE DEVELOPMENT
GULF OF MEXICO
DECEMBER 15, 2021
10 A.M. – 12 P.M. CT
VIRTUAL MEETING**

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MEETING OVERVIEW

Process Background

- The Bureau of Ocean Energy Management (BOEM), in consultation with the National Marine Fisheries Service (NMFS) and affected coastal states, is developing 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 issued a 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 The comments and information received will inform BOEM's development of draft guidance to mitigate certain impacts of offshore wind energy projects to commercial and recreational fisheries.
- Once complete, the draft guidance will be shared with the public for review and input for a 45-day comment period. Guidelines developed through this process may be updated periodically based upon public feedback and evaluation by BOEM staff.

Meeting Purpose

- Present the process for developing the draft Guidance for Mitigating Impacts to Commercial and Recreational Fisheries from Offshore Wind Energy Development to key stakeholders and answer questions.
- Provide information on how to submit comments during the public comment process.
- Receive comments on key issue areas.

Agenda

- Welcome and Opening Remarks
- Logistics and Agenda Review
- Overview of BOEM's Request for Information to Inform its Guidance Document to Mitigate Potential Impacts to Fisheries
- Public Comment Period
- How to Submit Written Public Comments
- Timeline, Next Steps and Adjourn

Presenters

Mike Celata (opening remarks)	BOEM
Brian Hooker	BOEM

Agency Representatives

Tershara Matthews	BOEM
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Facilitation Team

Julielyn Gibbons	Kearns & West
Adam Saslow	Kearns & West
Anna Rossi	Kearns & West

Participants

Eighty-eight (88) people registered for the meeting. A complete list of registrants is included as an appendix to this summary. Seven (7) people provided public feedback.

PRESENTATION HIGHLIGHTS

Welcome and Opening Remarks

- Adam Saslow, facilitator, Kearns & West, welcomed attendees, and reviewed the meeting logistics and agenda. He emphasized that the meeting is intended as a conversation between BOEM and fishermen and asked other attendees to remain primarily in listen-only mode.
- Mike Celata, Regional Director for the Gulf of Mexico Region at BOEM, welcomed participants. He emphasized the importance of BOEM's work in fisheries mitigation as offshore wind projects develop. Mr. Celata discussed the Biden-Harris Administration's "30x30" goals, which aim to secure 30 gigawatts of offshore wind energy by 2030. Mr. Celata shared that the 30x30 effort will create many well paid, union positions across the country. He added that:

- BOEM's authority to mitigate impacts is afforded by the Outer Continental Shelf Lands Act (OCSLA), which seeks to minimize or avoid impacts. OCSLA allows BOEM to establish compensation if these impacts are unavoidable.
- The guidance will clarify what developers should consider before submitting their plans, and how developers can engage the commercial fishing industry.
- BOEM is not creating a general fund, as they are required to submit all funds to the U.S. Department of Treasury.
- The goal is to offer more transparency and establish a clear process around fisheries mitigation by summer 2022 to support BOEM's environmental analysis for the construction and operations of several East Coast projects.
- BOEM will use information from this dialogue, and from discussions with federal, state, and Tribal partners to shape future mitigation discussions and develop a lasting engagement strategy that prioritizes science and meaningful collaboration.

Presentation

- Overview of BOEM's Request for Information to Inform its Guidance for Mitigating Impacts to Commercial and Recreational Fisheries from Offshore Wind Energy Development (Brian Hooker, Lead Biologist, Office of Renewable Energy Programs, BOEM).
- Mr. Hooker's presentation can be accessed at:
<https://www.boem.gov/sites/default/files/documents/renewable-energy/BOEM-Fisheries-Guidance.pdf>.
- Mr. Hooker shared that:
 - BOEM is in the initial stage of the fisheries mitigation guidance development process and wants input from fishermen before drafting the guidance document.
 - BOEM can impose mitigation measures, but the guidance would not apply to impacts that are separate from a given project.
 - Financial compensation will likely be handled at a regional level. There are more data on the East Coast than other regions.
 - BOEM is not soliciting input on environmental monitoring of biological resources. BOEM does not want to repeat the efforts of those agencies.

PUBLIC FEEDBACK PERIOD

Public comments generally fell into one of the following topic areas highlighted in the RFI: fisheries communication and outreach; project siting, design, navigation, and access; environmental monitoring; and financial compensation. Specific comments provided are described in greater detail below.

Fisheries Communication and Outreach

- There exist significant data between the oil & gas and fishing industries for the Gulf of Mexico (GOM). Relationships between the GOM, BOEM, and the industry allow stakeholders to continue building relationships through workshops and outreach. Shell supports education around offshore development.

Project Siting, Design, Navigation, and Access

- Why, if mitigation processes were in place, weren't fishermen in the Northeast not engaged in the pre-planning process and how could fishermen in the GOM become involved? Are there national requirements for establishing buffer zones, who is liable for accidents, and how might local tourism companies be involved in the cable siting process?
 - *Mr. Hooker responded that BOEM is learning from the experiences in the Northeast. He acknowledged that some stakeholders felt left out of the process, despite BOEM's effort to include state and federal task forces and local fisherman. BOEM attempted to mitigate multiuse conflicts and prioritize areas that were considered high value. BOEM is evaluating if mitigation is adequate. Research on the Block Island Windfarm and Coastal Virginia Offshore Wind projects indicate that the air gap distance is great enough that blades would not restrict vessels from operating near wind turbines. This only applies to fixed platform designs. Floating platforms present different concerns for proximity fishing.*
 - *Regarding buffer zones, Mr. Celata shared that no policy states that fisherman are restricted from fishing near turbines, but this topic will continue to be part of conversations in the Gulf. BOEM is engaged in the cable landfall issue. Landfall locations are determined based on market value and are available to the public after a lease is approved. The GOM is in the early stages of offshore wind leasing and BOEM has no near-term plans to begin siting. Leasing is scheduled for Winter 2022/2023. BOEM will meet with stakeholders wherever and whenever needed.*
- Is BOEM working with NOAA or others to evaluate the potential impacts of additional platforms on fishery stock and migration patterns?
 - *Mr. Celata indicated that BOEM has historically conducted this research for oil & gas. Similar studies will be part of the environmental review process for potential windfarms.*
 - *Mr. Hooker added that BOEM is reviewing studies from the North Sea to learn more about potential impacts from oil & gas.*
- Has BOEM consulted the U.S. Coast Guard about restricted areas and would sanctuaries be considered for offshore wind development?
 - *Mr. Hooker responded that in the Atlantic, the U.S. Coast Guard has not yet placed restrictions around offshore wind facilities.*
 - *Mr. Celata shared that the area west of the Mississippi, along the Texas coast to Mexico's border, has been identified for potential leasing. Sanctuaries are noted during the environmental review process. No development will occur within sanctuary boundaries.*
- Shrimpers fish off Florida, Louisiana, Texas, and Alabama and changes to the call area will impact movement between ports. Would BOEM consider the cumulative impacts of offshore wind development in the Gulf?

- *Mr. Celata shared that programmatic EISs are common for oil & gas development.*
- Should fishermen focus on South Texas due to developer interest, is there a policy on cable burial, and will BOEM enforce mitigation measures included in the project record?
 - *Mr. Celata said the entire call area is still under consideration. BOEM plans to share a heat map that identifies areas of industry interest.*
 - *Ms. Matthews shared that burial depth will be about 6ft, but depth may vary based on COPs.*
 - *Regarding BOEM's authority to enforce mitigation, Mr. Hooker explained that the Bureau of Safety and Environmental Enforcement (BSEE) has authority on noncompliance investigations. There may be scenarios where mitigation is specified for phases of a project, but without specifications, the agreement is binding throughout the length of the project.*
- Can BOEM clarify restrictions to main collectors and who is liable for malfunctions?
 - *Mr. Hooker indicated that platforms are considered private property, which prohibits tie-ups but does not restrict access. Electric service platforms may have more infrastructure and therefore cautionary notices based on the developer's decision. During construction, buffer zones may be established to ensure safety. Liability depends on the activity. Developers have insurance for facility failures. For lost gear, most have policies in place for compensation.*

Environmental Monitoring

- The Gulf of Mexico Council has an Ecosystem Technical Committee that considers fishing at an ecosystem level to monitor potential climate change impacts. Will there be opportunities to further discuss impacts at the ecosystem level and how is climate integrated in the planning process?
 - *Mr. Hooker responded that environmental reviews are conducted with all projects. The NEPA process is conducted during lease issuance and evaluates climate and ecosystem level effects. BOEM engaged with the council through habitat committees, and keeps members and councils updated.*
 - *Mr. Celata shared that BOEM's Gulf Region Office will ensure that a BOEM GOM representative is available for these discussions.*

Financial Compensation

- Would the Biden administration and/or BOEM consider working with Congress to amend OCSLA to accommodate offshore wind development? How should the shrimp industry pursue compensation with operators, is there a difference for associations, and what is BOEM's role? The shrimp industry does not have time and money to privately negotiate on a project-to-project basis, especially as offshore wind opportunities expand. Is there a status update on the collaboration between NOAA and BOEM to apply spatial management methodologies to guide siting decisions?

- *Mr. Celata responded that BOEM, as a federal agency, cannot lobby Congress on these issues but would encourage those interested to do so. NOAA started spatial planning for aquaculture and is working with BOEM to determine best decision practices for wind projects.*
- *Mr. Hooker emphasized that the guidance would be released before any legislation is introduced. BOEM encourages early communication between developers and fisherman on how to mitigate potential issues. Some efforts on the Atlantic to share data via portals have been successful and the GOM is looking at similar options.*

The meeting adjourned at 11:49 p.m. CT.

APPENDIX A: PARTICIPANT LIST

1. Becky Allee
2. Lianne Allen-Jacobson
3. Tristan Baurick
4. Mark Belter
5. James Bennett
6. Charlie Bergmann
7. Dana Bethea
8. Bob Bochar
9. Idrissa Boube
10. Michelle Bromschwig
11. Robert Brooks
12. Morgan Brunbauer
13. Danny Bryant
14. Collin Buchanan
15. Aurora Burgess
16. Mike Celata
17. Marina Chaji
18. Matt Chasse
19. Douglas Christel
20. Acy Cooper
21. Michele Daigle
22. Glenn Delaney
23. Brian Dresser
24. Russell Dunn
25. Lorena Edenfield
26. Julie Falgout
27. Scott Farley
28. John Filostrat
29. Richard Fischer
30. Matthew Freeman
31. Julielyn Gibbons
32. David Hanisko
33. Anne Hawkins
34. Lyndie Hice-Dunton
35. Jaclyn Higgins
36. Cheston Hill
37. Brian Hooker
38. Cheri Hunter
39. Todd Kellison
40. Shana Kinsey-Carlsen
41. Michael Knobloch
42. Gregory Kozlowski
43. Sara Krupa
44. Elizabeth Lange
45. Sean Lawler
46. Andrew Lipsky
47. Kim Marshall McClean
48. Akbar Marvasti
49. Tershara Matthews
50. Tim McCune
51. Aoife McGovern
52. Tracey Moriarty
53. Candace Nachman
54. Conrad Newell
55. David Nieland
56. Christopher Oos
57. Ross Pearsall
58. Larry Perruso
59. Ruth Perry
60. Lisa Pfeiffer
61. John Primo
62. Adam R. Saslow
63. Alyssa Randall
64. Kay Rasmussen
65. David Records
66. Charlie Robertson
67. Ashford Rosenberg
68. Anna Rossi
69. Tim Sartwell
70. Lindsey Savage
71. Katherine Segarra
72. Dominique Seibert
73. Taimur Shaikh
74. Prianka Sharma
75. Angela Silva
76. Mridula Srinivasan
77. Mariana Steen
78. Sophie Swetz
79. Eric Thunberg
80. Brick Wenzel
81. Pace Wilber
82. Bob Zales
83. Jerome Zeringue
84. Unknown Caller
85. Unknown Caller
86. Unknown Caller
87. Unknown Caller
88. Unknown Caller