CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

February 22, 2019

Mr. James F. Bennett, Program Chief
Bureau of Ocean Energy Management
Office of Renewable Energy
45600 Woodland Road
Sterling, Virginia 20166

RE: Vineyard Wind COP Draft EIS [BOEM-2018-0069]

Dear Mr. Bennett:

As you know, the Port of New Bedford, Massachusetts has established itself in a national leadership position in both commercial fishing (as the nation's top-grossing port for nearly two decades) and in offshore wind energy (as the closest industrial port to the largest offshore wind reserves in the U.S., as well as home to the nation's only specialized offshore wind staging terminal).

And the Port of New Bedford's momentum is accelerating. According to the latest economic research, between 2015 and 2018, the Port added 1,500 jobs, business revenue increased by nearly $500 million, and the economic value of the Port jumped by nearly $1.5 billion (bringing the total to $11.1 billion in annual economic activity).

As Mayor of New Bedford for the past eight years, I have served during a remarkable period in the development of the Port, but also in the development of the offshore wind energy industry in the U.S. and abroad. During my tenure, I have devoted considerable time and effort to understanding the benefits and the potential impacts of the emergent U.S. offshore wind energy industry. I have closely studied the European offshore wind experience, and sought out interactions with a broad array of stakeholders.

After this extended experience and much reflection, I have come to believe the most critical task of federal regulatory oversight (as well as state-level oversight) must be to create the conditions necessary for the U.S. offshore wind industry to mature and thrive while also putting in place a policy framework that protects, and even enhances, the competitiveness of existing commercial fishing operations. Commercial fishing operations represent the dominant commercial use of the federal waters slated for offshore wind energy development, so it is imperative that commercial fishing concerns received the topmost attention of regulators.

Establishing a policy framework that fosters a positive dynamic between a promising new industry and the most important existing industry should not be seen as a merely laudable goal for BOEM, it should be recognized as an essential prerequisite for the future success of both industries.

BOEM's approach to the Vineyard Wind Project, the nation's first industrial-scale project, will establish many precedents and have major consequence for the relationship between the offshore wind industry and the commercial fishing industry. It is with this in mind that I offer this assessment of the Vineyard Wind Project:

First, Vineyard Wind has demonstrated a sustained willingness to revise the Project to better address commercial fishing concerns in the areas of transit and navigation. While there is more work to do, progress is being made and I expect Vineyard Wind to continue to adjust its plans to lessen commercial fishing impacts. I also want to emphasize the importance of making sure all accommodations to commercial fishing regarding transit and navigation are codified in detailed, contingent approvals from BOEM and other regulators to assure that they are fully honored and the developer held accountable.

That said, with continued effort from Vineyard Wind, backstopped by a responsible exercise of oversight authority from regulators, I am persuaded that the Project can be executed in way that delivers the promised wind power benefits, respects the needs of commercial fishermen, and creates a significant economic opportunity for the City of New Bedford, the Commonwealth of Massachusetts, and our nation.

Mitigation is a second major area of concern for the commercial fishing industry, and here Vineyard Wind is likewise taking important steps which I expect to continue. It also bears repeating that any mitigation commitments to commercial fishermen and shore-side businesses should be codified in detailed, contingent approvals from BOEM and other regulators to assure that they are fully honored and the developer held accountable. As to the optimal form of a mitigation plan, I have proposed a "New Bedford Framework" consisting of three components:

- Fisheries and Offshore Wind Collaborative Fund- Dedicated funding to enhance the interaction of the fishing and offshore wind industries while bolstering the innovation and profitability of fishing;
- Direct Fisheries Mitigation Fund- A mechanism to directly compensate fishermen for losses caused by the construction or operation of a wind farm; and
- Fishing Access and Training Programs.

Fisheries and Offshore Wind Collaborative Fund

First and foremost, regulators and developers should share a collective goal of keeping fishermen fishing within lease areas. Dedicated funding from the offshore wind industry is essential to achieving this goal because it would make possible the development of innovative fishing gear and techniques that reduce the risks to fishermen and reduce potential damage to fishing gear and vessels (as well as damage to subsea cables associated with wind farms).

With a Collaborative Fund in place, fishermen interested in experimenting with new types of gear and methods of fishing within lease areas will have an opportunity that might not otherwise be available. The structure of the Fund—managed by an independent entity and led by subject matter experts from both fishing and offshore wind backgrounds—would ensure that resources were allocated wisely. And, over time, the Fund would create best practices that can be replicated within wind farms in other areas, as the industry grows. In sum, the Collaborative Fund will ensure fishermen can continue fishing within lease areas while mitigating damage, liability, and loss to fishermen and offshore wind operators.

As this mitigation component might apply to the Vineyard Wind Project, one could envision an approach similar to Vineyard Wind's Rhode Island mitigation proposal. Vineyard Wind has committed $23 million over the life of the project to the Rhode Island CRMC's Ocean SAMP. That model, as applied to Massachusetts, would simply be adapted to focus on boosting innovation and profitability in the fishing industry through the development of improved fishing vessels, gear, and technology.

Direct Fisheries Mitigation Fund

As for the second mitigation component, the New Bedford Framework would mirror Vineyard Wind's Rhode Island mitigation proposal. It would base mitigation payments on lost fishing "value" (as opposed to "effort"), and would establish a trust from which mitigation payments would be made to eligible fishing businesses.

The mitigation plan would also include a permit or boat buyback mechanism for those fishermen who decide to stop fishing on account of wind farm development. In its capacity as the "fisheries representative" to several of developers, the New Bedford Port Authority has already introduced this idea into discussion as an approach that offers cost advantages and other benefits.

In my view, a permit or boat buyback mechanism is one of the most valuable measures that could be taken toward ensuring the long-term coexistence of the offshore wind and commercial fishing industry. Simply put, if a commercial fisherman doesn't think they can fish in an area, they should not have to. This pragmatic approach creates a future where developers interact with fishermen that believe (if also given adequate access to supports like the Collaborative Fund and training programs) they can coexist, even prosper, alongside the offshore wind industry.

Fishing Access and Training Programs

Lastly, I see great value in a direct partnership between the offshore wind industry (both developers and supply-chain companies) with the New Bedford Port Authority in a joint initiative to fund Access & Training Programs that support the entry of new fishermen and the training of veteran fishermen. These programs would go a long way toward lessening the cost and risk to young fishermen attempting to enter the industry and help existing commercial fishermen learn how to operate within wind farms. Programs could focus on providing training and technical assistance in operating a small business and marketing, apprenticeships, supporting the construction of port infrastructure that supports fishing, and other innovative programs that encourage and support new entry and opportunities for commercial fishermen.

The question of where geographically to direct such investments (and mitigation more generally) is an important one. The New Bedford Framework proposes that Vineyard Wind (and subsequent developers) target funding to New Bedford based on the Port's status as the dual epicenter of commercial fishing in Massachusetts and the U.S. East Coast.

Consider, for example, that virtually all *Massachusetts* landings of fish from the Massachusetts *and* Rhode Island offshore wind lease areas, as well as the New York call areas, are *New Bedford* landings, according to the oft-cited Rhode Island DEM study of fishing activity in these areas from 2011-2016. *In the case of the Vineyard Wind lease area, 88% of the Massachusetts landings were in New Bedford. The DEM study attributes no landings at all from the Vineyard Wind lease area to Gloucester, Boston, or any other ports north of Cape Cod.*

Thank you for this opportunity to present my views on the Vineyard Wind Project and the avenues I see for productive interaction between the fishing industry and the offshore wind industry going forward.

Know that I remain convinced that the Vineyard Project has the potential to strengthen the competitiveness of New Bedford in both offshore wind energy and commercial fishing, and I remain committed to doing everything in my power to ensure success on both fronts.

Sincerely,

Jon Mitchell
Mayor
Chairman, New Bedford Port Authority