



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930

January 28, 2022

Dr. Christopher M. Moore, Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

Dear Chris,

Thank you for your letter dated January 6, 2022, outlining the Council's recommendations to enhance the offshore wind fishery mitigation guidance being developed by the Bureau of Ocean Energy Management (BOEM). The Council's December 2021 motions set out two specific recommendations for NOAA's National Marine Fisheries Service (NMFS):

1. The Council requests NMFS to evaluate to what extent the process it recently announced with BOEM to address fisheries mitigation from offshore wind energy aligns with existing policies and best practices, including but not limited to the MSA National Standards and NOAA/NMFS policies related to environmental justice, social and economic impacts assessment, mitigation for trust resources, and scientific integrity;
2. The Council recommends NMFS evaluate alternative or supplemental strategies that it could implement to improve fisheries analysis for mitigation efforts that would fully involve fisheries experts and stakeholders. If resources do not support such strategies in the near term, the agencies should prioritize items in the Request for Information (RFI) on "Guidance for Mitigating Impacts to Commercial and Recreational Fisheries from Offshore Wind Energy Development" that can be appropriately addressed within the project timeline while effective, science-based approaches to the larger suite of topics can be developed.

While we appreciate and share the Council's interest in effective fisheries mitigation, please note that while we will contribute data and expertise to BOEM's fishery mitigation guidance effort, NMFS plays only an advisory role in this process. Staff from NMFS Headquarters, the Greater Atlantic Regional Fisheries Office (GARFO), and the Northeast Fisheries Science Center (NEFSC) attended BOEM's December fishery-specific workshops to better understand stakeholder perspectives on this process and the associated RFI. We have advocated that BOEM integrate fishing industry representatives into the process to the maximum extent possible and ensure that these representatives have an opportunity to review the resulting draft guidance.

BOEM is developing guidance related to mitigating and compensating economic impacts to fishing operations from offshore wind development activities and convened a facilitated working group of state agency personnel and others to provide input. At the request of the states, NMFS was invited to participate in the meetings. More recently, BOEM established a fisheries compensation technical working group, including representatives from GARFO and the NEFSC,

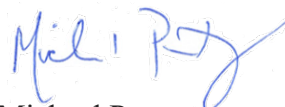


to help them develop such guidance. During BOEM's weekly meetings, we offer insight and advice to BOEM consistent with our policies related to environmental justice, social and economic impacts assessment, mitigation for trust resources, and scientific integrity. For example, we continue to recommend that BOEM consider direct and indirect economic impacts to fishing vessels, crew, and communities due to habitat changes, biological impacts, effort displacement, cumulative impacts, and scientific survey limitations and associated increased assessment uncertainty as a result of offshore wind development activities. We have provided fishery-related data and information to help BOEM understand and accurately estimate the full scope and scale of impacts from offshore wind on our fisheries and fishing communities. However, at this time we do not have the staffing resources to fully develop new or revise existing models and other tools needed to ensure that fishery economic impacts can be comprehensively estimated for all fisheries using all available data sources.

We appreciate the Council's recommendations and will continue to evaluate how BOEM's mitigation efforts align with our existing policies, practices, and statutory requirements. However, our limited legal authority constrains our role within this process. Moreover, given the increasing workload due to offshore wind environmental reviews and consultations and other regional priorities, we are concerned that parallel efforts to find solutions and fill in the gaps in BOEM's plan could take precious resources away from these important responsibilities, including Council-related actions. When possible, NMFS will continue to explore opportunities to improve the data and analysis available to evaluate fisheries impacts from offshore wind development and provide input and recommendations to BOEM as it develops its fishery compensation guidance.

Thank you for your interest in this important matter.

Sincerely,



Michael Pentony
Regional Administrator

cc: J. Beatty; M. Luisi; W. Townsend; J. Hare, NEFSC