

NEW JERSEY MARINE FISHERIES COUNCIL

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July XX, 2022

Shawn LaTourette

Commissioner

NJ Department of Environmental Protection

Address

Dear Commissioner LaTourette:

I am writing on behalf of the New Jersey Marine Fisheries Council (MFC) to bring to your attention a concern regarding the safety of recreational and commercial fishers while fishing on, or transiting through, New Jersey's artificial reef network in proximity to offshore wind turbines.

The MFC advises the Commissioner of the New Jersey Department of Environmental Protection (DEP) on conservation and management rules, regulations, and policies regarding marine fisheries resources, and the commercial and recreational industries that rely on them. It is a priority of the MFC that the safety of our fishery participants, and access to popular fishing locations, is not jeopardized by other ocean uses, such as offshore wind development.

Staff from NJ Department of Environmental Protection, Fish and Wildlife's Marine Resources Administration have been engaged with the Bureau of Ocean Energy Management (BOEM) and other federal agencies regarding minimizing impact to New Jersey's valuable fisheries during offshore wind (OSW) development and operation. Recently, BOEM has requested guidance on an appropriate navigational buffer distance between OSW turbines and New Jersey's artificial reefs, which are popular destinations for recreational fishing.

Based on input from recreational and commercial fishing advisors, the Marine Resources Administration recommended a buffer of 0.5 to 1.0 nautical mile (approximately 0.58 to 1.15 mile) between the edge of a reef and any of the turbines, citing concerns that a turbine in close proximity to a reef could create an allision/collision hazard for vessels utilizing the reef or transiting through the area. Without a sufficient navigation buffer, commercial fishery advisors have warned traffic over the reef could increase, as commercial vessels would avoid transiting through the wind array. Transiting vessels will have to navigate around anchored vessels and the turbine. If turbines attract fishing vessels, as expected, this issue will be exacerbated as more vessels anchor in a non-uniform pattern. Additionally, drift (*i.e.* unanchored) fishing is common on reefs and could become

dangerous in close proximity to a turbine. At a reasonable drift rate of 1 knot, a turbine located 400m (~0.25 mile) outside the reef perimeter could be approached in less than 15 minutes, which can go by quickly when engaged in many of the “head down” activities of fishing. For these reasons, staff proposed a 0.5 to 1.0 nautical mile buffer between turbines and reef boundaries to ensure safety of anglers and other boaters transiting the area.

Unfortunately, after consulting with other agencies and navigation experts, BOEM has indicated they will require a buffer of only 250 meters (~0.13 nautical miles) between a turbine and reef boundaries. Their justification is that both concerns (transit and drift) could be resolved through the use of the United States Coast Guard Navigation “Rules of the Road” and situational awareness. The MFC is greatly concerned that this buffer is insufficient. As noted previously, fishing is a “head down” activity which may lead to situational awareness being compromised, as could be a boater’s availability to respond to a call on the radio or reposition their vessel.

The MFC requests that your office communicates to BOEM the importance of a navigational safety buffer between offshore wind turbines and areas such as New Jersey’s artificial reef sites that are popular destinations for recreational anglers and divers. An appropriate buffer will ensure access and safety for all vessels using or transiting through these areas that experience higher than average vessel traffic. The importance of this issue cannot be overstated. New Jersey is the first State to raise this concern, and BOEM’s decision could therefore set a precedent for future OSW projects in New Jersey and nationally.

On behalf of the New Jersey Marine Fisheries Council, I thank you for your attention to this matter. The network of artificial reefs located off our coast plays an integral role in supporting New Jersey’s world class recreational fisheries. It is imperative that safe and unobstructed access to these prime fishing areas is maintained.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard N. Herb", with a stylized, flowing script.

Richard N. Herb,
Acting Chairman
New Jersey Marine Fisheries Council

c. NJ Legislators, Districts 1, 2, 9, 10, 11, 13, 30