

## Virginia Ocean Plan

FY20 Task 94.01

Final Report, Grant Period October 1, 2020 to Sept 30, 2021

Grant# NA20NOS4190152

Compiled by Todd Janeski, VCU, Department of Life Sciences

This project was funded by the Virginia Coastal Program at the Department of Environmental Quality through Grant FY20: NA20NOS4190152 of the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Management, under the Coastal Zone Management Act of 1972, as amended.



Virginia Ocean Plan

FY20 Task 94.01

Final Report, Grant Period October 1, 2020 to Sept 30, 2021

Grant# NA20NOS4190152

Compiled by Todd Janeski, VCU, Department of Life Sciences

## Overview

The VCU Environmental Scientist/Analyst, as retained by the Virginia Department of Environmental Quality, Coastal Zone Management Program, served as the Ocean Planning Stakeholder and Fisheries Coordinator (OPSF) for the grant reporting period under the VACZM Section 309 Ocean Resources Strategy. The focus of the efforts were targeted to the commercial and recreation with the key outputs of strengthening the relationship with the CZM as it relates to changes in ocean use. The COVID-19 pandemic affected the seafood industry and the means by which meetings were held but the outreach and engagement efforts continued.

Ocean planning in the Commonwealth includes a partnership, the Mid-Atlantic Regional Council on the Ocean (MARCO), which includes representatives from the States of New York, New Jersey, Delaware, Maryland and Virginia. The broader MARCO effort is being supported through several contractors such as Monmouth University, University of Delaware, Rutgers University, Nature Conservancy, and NatureServe. Primarily, ocean planning brings together the sectors of Ports and Navigation, Military, Commercial Fisheries, Recreational Users, Alternative and Traditional Energy, Conservation, Tourism, and Local Government. These sectors have been brought together both in the Commonwealth as well as in the region to share information regarding ocean uses for the purpose of understanding the complexity of overlapping and abutting uses. The relationship with the commercial industry has continued to grow where representatives from the east coast have shared their experiences with respect to the changes in ocean use. Fishermen have shared concerns regarding the loss of access to fishing areas or changes in transit routes that would increase operating expenses or take away days at sea. The competition for access continues to be a concern as the lack of formal organization, the industry shares concerns that the developers are more able to invest in advancing energy development due to more available capacity and funding.

During the grant cycle, the OPSF Coordinator had extensive communication with field partners including NOAA, Department of Mines Minerals and Energy (DMME), VA Marine Resources Commission (VMRC), Fisheries Representative from Sea Freeze Inc, Responsible Offshore Development Alliance (RODA), Responsible Offshore Science Alliance (ROSA), Long Island Commercial Fisheries Association, Virginia Watermen's Association, NYSERDA and representatives from the Virginia commercial fishing fleet. Geographically, the OPSF Coordinator began communicating more with the states of Rhode Island, Massachusetts and Maine as their states were directing staff resources to address the fisheries changes likely to impact their fishing industry.

The focus of the interactions with the VA commercial fishing industry has been to obtain input and to ensure authentic engagement by fishermen as the Commonwealth advances the development of offshore renewable energy and regarding other changes in ocean use. The meetings with the industry were primarily in person or via phone. The OPSF Coordinator

participated in the regional offshore coordination meetings hosted by MACO, MARCO, Virginia Offshore Wind Development Authority (VOWDA), Rhode Island and NY State Energy Research and Development Authority (NYSERDA). The COVID-19 pandemic directly affected in-person meetings resulting in a more web-reliant approach, however, opportunities to meet face-to-face were fully utilized.

The reporting period saw an increase in intensity on the development of offshore wind. Projects moved forward in the federal permitting process that realized 16 projects advance for consideration. With the intensity resulted in a corresponding increase in the focus on the interactions between commercial fishing and offshore wind development. During the period, it began with RODA hosting two days of Synthesis of the Science meetings to illustrate the known relationship and the data gaps. The result was the continued demonstration of the lack of science regarding a wide range of understanding of the issues associated with large mammals, turtles, electromagnetic frequency (EMF), managed fisheries and recreational fisheries. As the COVID-19 pandemic changed work situations, the OPSF Coordinator, employing COVID-19 best practices, held face-to-face meetings with representatives from the commercial fishing sector in the Newport News, Hampton, Reedville, Gloucester and Virginia Beach areas.

As the CVOW-C project continued to advance the pot fishery was informed of the process and means for involvement and engagement. The OPSF Coordinator shared the timeline, the permitting process, their role throughout the project and were made aware of regional efforts and other fishing communities working with the developers in the north east. The commercial pot-trap fishermen requested the OPSF Coordinator assist in securing a meeting with Dominion to communicate their concerns as the development was overlapped with their historical fishing grounds. In October 2020, the OPSF Coordinator brought together the Dominion CVOW project team and the commercial fishermen to discuss the concerns regarding the siting and overall project as it relates to their activities. The meeting was held on the eastern shore of Virginia at the Eastville Offices where the CVOW-C project team presented the timeline, the permitting process, and anticipated deployment.. In attendance were the pot-trap fishermen from the conch and black sea bass sectors, RODA and US Representative Elaine Luria's field office manager. The meeting left little time for the original intent of the meeting to allow the commercial sector to openly share their perspective and obtain comfort in how they would be impacted and considered. Resulting in the fishing community requesting RODA send a letter on their behalf to Dominion outlining exactly what their concerns were and how they would like to be included in the process; specifically in the Construction and Operations Plan (COP). The letter outlined the role of the commercial fishermen in the establishment of the baseline, by which would be used to determine impacts and potential compensation for displacement, as well as the long-term impacts of how the project would change fishing in the region and they would be equitably considered. The commercial fishing representatives requested continued support from the OPSF Coordinator to understand the status of and process involving the submission of the Construction and Operations Plan (COP). The fishermen requested additional assistance from State and Federal Delegates and asked specifically for a meeting with US Representative Luria to allow them to personally ask for her assistance and her office to advocate for authentic inclusion. The fishermen remained consistent and productive demonstrating a constructive approach to wanting to be heard and included. The result was that direct meeting with the Representative and obtaining the promise to facilitate a meeting between Dominion and the fishermen. The meeting

was held in November, 2020 and included 31 individuals including the newly appointed BOEM Director Amanda Lefton, US Representative Wittman, VA Secretary of Natural Resources Strickler, BOEM staff, RODA, NOAA staff, Dominion, Fisheries Liaison for Dominion, VCZM, VMRC and the fishermen. The result was a second letter from RODA articulating the same concerns and requests from the fishermen for authentic inclusion. The COP was officially submitted in December, 2020.

The OPSF Coordinator maintained close communication with the VA Watermen's Association, pot fishermen (black sea bass and conch), dredge and bottom trawl as discussions of the development of a Virginia Ocean Plan began to materialize. The OPSF Coordinator shared general information about the development of the plan and encouraged their involvement once the process was formalized. The Coordinator also shared the preliminary findings of the economic summaries to characterize the value of ocean-caught, Virginia-landed fish. The recent report from NOAA NMFS indicated that while oyster was the most valuable product, that scallop, menhaden, summer flounder, black sea bass, conch, croaker and dogfish remain in the top categories. Grouping the subsequent species captured the bulk of the remaining fish. Conveying this to the seafood industry it illustrated the value that the VA seafood industry has to the total economy for VA. The results of these data were received with surprise by the industry as most of our marketing has shown all VA landings including those caught in the Chesapeake Bay. When removed, it illustrated the importance of the ocean-caught resources that powers Virginia's economy.

During the reporting period, the OPSF Coordinator also met with the Virginia Chapter of the Nature Conservancy, with some frequency, to discuss the ongoing need for data as it relates to how the changes in ocean use will change the available habitat. The hardening of the benthic environment and installation of vertical structure will lead to a change in biomass, productivity and predator-prey relationships. Both parties agreeing that more science was needed to best understand those impacts. The Conservancy indicated an opportunity to work with Dominion to express the need for an informed process and to support the development of science-based solutions.

During the reporting period in July, 2021, the Notice of Intent (NOI) was released for the CVOW-C project including the Construction and Operations Plan (COP). The fishing community requested the OPSF Coordinator to communicate with the Dominion team their request for time to review and prepare comments during the 30 day comment period and to assist with their review. The OPSF Coordinator attended all three of the three Public Scoping Meetings for the NOI to obtain a broader understanding of the issues and public comment. During the NOI comment period, the fishing community was given a Vessel Audit proposal by the Fisheries Liaison. The fishing industry requested the OPSF Coordinator's input and feedback on the document and to begin coordinating meetings to discuss pre-construction monitoring to establish a baseline. During the NOI 30d period, the OPSF Coordinator also met with representatives of the charter industry to discuss fishing activities relative to the CVOW-C project. The OPSF Coordinator was also contacted by the Virginia Beach mayoral panel on offshore wind to provide some details on the outreach efforts to the commercial fishing industry. Their interests were to better understand the whole project including the unintended potential consequences to the commercial fishing industry. The OPSF helped provide input to those in the industry as they

submitted their comments for the NOI.

The OPSF Coordinator attended the BOEM Public Scoping Meetings for Skipjack Wind, Kitty Hawk Wind, Empire Wind and attended the monthly fisheries/wind meetings as coordinated by Rhode Island. Late in the reporting cycle BOEM contracted Rutgers University Special Initiative for Offshore Wind (SIOW) to develop a framework for the federal government to host a potential compensation/mitigation/impact fee mechanism for the displacement of fishing activities, as it relates to offshore wind. The OPSF Coordinator participated in the process and coordinated with VMRC and the Coastal Director.

During the reporting period the OPSF Coordinator began to bring together state fishery managers around the topic of “data poor fisheries,” specifically whelk. The common theme was that from NC to MA, states were recognizing this state managed species lacked any research on population or effects of habitat change. Momentum was developed to facilitate a working group around this topic to inform pre-construction monitoring for the development of mitigation or compensation conversations. The Coordinator communicated locally with VIMS and obtained buy-in from ROSA that this was a topic of interest to pursue.

The OPSF Coordinator was contacted by the commercial industry about the new clam industry that has established in the CVOW-C area. The OPSF Coordinator met with Surfside Seafoods that manages the operation and lands in Cape Charles. The request was made by the representative to introduce them to those involved in the CVOW-C project. The Coordinator met this request and connected them to Dominion, VMRC and VIMS. Their landings began to increase as the project reporting period closed.

The USCG had opened the public comment period for several transit studies, specifically the Chesapeake Port Access and Route Study (PARS). The OPSF Coordinator shared the MARCO portal with the commercial fishing industry illustrating of the routes both in person and via email. The in-person interactions provided for immediate feedback and ability to further engage on the proposed routes but also was to share the value of the MARCO portal and data contained within. The immediate reaction by the commercial industry was an acknowledgement that the routes would direct an increase in vessel traffic over highly active fishing areas for fixed gear, resulting in an increase in gear loss. As communicated by the industry those losses are not simply the cost of lost materials but the cost of lost catch, cost of replacement materials, time to rebuild pots-traps, redeploy and attempt to resurrect the remainder of the fishing season. The fishing community expressed great concern that the compounding impacts from ocean changes will result in a negative effect on their activities. The placement of wind energy areas and the rerouting of vessel traffic only decreases their historic fishing grounds.

Throughout the reporting period, the OPSF Coordinator maintained regular contact with the commercial and for-hire sectors active in and around the CVOW-C area. Correspondence was primarily via phone to ensure they maintained their involvement and we aware of project changes and updates. This regular correspondence has allowed the fishing industry a resource to field questions and concerns with changes in ocean use. This relationship should be maintained as the ocean will continually become a busier resource with more conflict.