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Senate Chamber

CHAIRPERSON
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Environment & Agriculture

Committee on
Judiciary

Committee on Rules,
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May 25, 2021

Jeffrey Willis
Executive Director
RI Coastal Resources Management Council
Stedman Government Center, Suite 3
4808 Tower Hill Road
Wakefield, RI 02879-1900
jwillis@crmc.ri.gov

RE: CRMC File 2018-10-082: South Fork Wind, LLC

Dear Director Willis and Council Members,

I am writing regarding the South Fork Wind project. As Chair of the Senate Committee on Environment and Agriculture and resident of Rhode Island, I must address the concerns of my constituents and those in the fisheries industry regarding the project's impact on our fisheries.

Expansion of offshore wind is necessary as we transition our energy portfolio away from fossil fuel sources in an effort to address the catastrophic impacts we are facing from climate change. Development of this industry must be done in an environmentally-sound way. My immediate concern is with the limited collection of data used to assess the impacts of wind turbines on our marine ecosystem.

As initially proposed, South Fork Wind is a largescale offshore wind project consisting of fifteen (15) turbines, one (1) substation, and underground transmission lines delivering power to East Hampton, New York. The South Fork energy lease area is located southeast of Block Island within the Rhode Island and Massachusetts Wind Energy Area. The proposed site includes Cox Ledge, an area recognized for its diverse marine ecosystem and longstanding reputation as a commercial and recreational fishing ground. Rhode Island's Ocean Special Area Management

Plan noted that Cox Ledge is known for its year-round population of Atlantic Cod, migratory fish stock, benthic organisms, along with its attraction for whales, tuna, and sharks¹.

The health and viability of the local marine ecosystem extends beyond the interest of the few. It is in the interest of the greater public to ensure that fisheries havens like those at Cox Ledge can perpetually thrive. Rhode Island's economy depends on these habitats. Without their existence, Rhode Islanders would not have the lively tourism industry or world-class marine and maritime research universities. We host one of the most dynamic commercial fisheries communities as well, thanks to the diverse aquatic species that live in and migrate through our region. Wild-caught seafood is one of the most sustainable sources of protein², and many depend on it as a component of their diet. Furthermore, there is a shared sense of pride, connection, and identity in the lifeblood of many Rhode Islanders with respect to the vibrant ecosystems and marine life that exists off our shores. By moving forward with the industrialization of these ecosystems, it would be a disservice to all who live here without (1) completely gathering and reviewing baseline data, (2) a careful and thorough evaluation of its impacts, and (3) full transparency throughout the process.

As you know, New England's fisheries are changing due to external circumstances, both manmade and natural, impacting the habitats and validating the sensitivity of these regions. In May of 2020, the National Oceanic and Atmospheric Administration (NOAA) wrote the Bureau of Ocean Energy Programs to address inadequacies with the Bureau of Ocean Energy Management (BOEM) methods for collecting baseline data³. In March, NOAA followed up with the Bureau, stating:

"...as we discussed in our May 27, 2020, letter to you, we have found that the existing Bureau of Ocean Energy Management (BOEM) benthic survey guidelines for collecting acoustic and benthic data across a lease area have not been applied consistently and are inadequate to ensure the collection of sufficient site-specific baseline data for our consultations. While your guidelines state that consultation with our agency is recommended prior to conducting these surveys, applicants have not consistently done so and, as a result, our recommendations have not been incorporated consistently across all projects. We hope that these recommendations will help to alleviate that inconsistency."

NOAA referenced their ongoing dialogue with the Bureau staff and provided recommendations for mapping inshore habitats and recommended the Bureau work with the developers to ensure they use acoustic data to focus and refine additional, targeted benthic sampling to characterize habitat delineation to achieve an accurate and precise baseline habitat dataset. NOAA continued by offering to meet with BOEM and the developers early in the process to streamline the EFH

¹ Habitat information based on the 5-4-2011 Approved Ocean SAMP. Further information Chapter 5 under Habitat.

² Ray Hillborn, Jeannette Banobi, Stephen J Hall, Teresa Pucylowski, Timothy E Walsworth – *The environmental cost of animal source food*. (Frontiers in Ecology and the Environment, Wiley, 2018). Link: <https://esajournals.onlinelibrary.wiley.com/doi/abs/10.1002/fee.1822>

³ Letter from Louis Chiarella, Assistant Regional Administrator for Habitat Conservation at NOAA to Michelle Morin, Chief, Environmental Branch with the Office of Renewable Energy Program at BOEM. Link https://media.fisheries.noaa.gov/2021-03/March292021_NMFS_Habitat_Mapping_Recommendations.pdf?null

process and provided recommendations for mapping fish habitat⁴. I highlight the letter to stress the fact that NOAA has raised concerns about data collection for the past year and once again fewer than two months ago raised these concerns. For a project of this size, we cannot have inaccurate data about the marine habitat due to a party's failure to heed the recommendations of a scientific government agency.

As you know, NOAA is currently conducting a three-year study around the region's offshore wind areas to collect information about our inshore and offshore fisheries and the effects that wind turbines will have on marine habitat. Part of this data collection includes mapping the habitat and distribution of Atlantic cod spawning aggregations on Cox Ledge. As noted in a March 2020 article by Kirk Moore, there is little specific information on Atlantic cod spawning in southern New England waters⁵. The study, utilizing an autonomous real-time marine mammal detection system, has detected the presence of fin and humpback whales along with one of the world's most endangered large whale species – the North Atlantic right whale⁶. The study is currently identifying a vast array of marine species within the area and providing a clearer understanding of the ecosystem around Cox Ledge. As this data is collected, we cannot make assumptions about this area based on preliminary data. We must continue to gather complete data and develop a proper baseline of the South Fork Wind Area. I acknowledge the efforts between Ørsted and BOEM to support ecosystem monitoring related to protections for the North Atlantic right whale. However, it is imperative that stakeholders strive to complete research on the habitat, its species, and assess the potential impacts in these areas before any wind project is to commence.

Without understanding the full scale of the impacts of large-scale wind farms being placed within sensitive habitats, we risk the potential collapse of food chains and entire ecosystems. I fear that we are currently residing in a shoot-first aim-later scenario.

I further appreciate the burden before you in your important role of responsibly shepherding an important energy transition. It is my understanding that CRMC has been mediating negotiations between the commercial fishing industry and Ørsted with respect to the South Fork Wind Farm. With so much at stake, and to ensure integrity in these proceedings, the parties need to be compelled to bring transparency to their negotiations. For the reasons outlined above, the public deserves a complete understanding of the context and rationale behind any agreement between the parties. The South Fork Wind project has a precedent-setting nature and the process to date highlights the urgency to shed sunlight behind the project and to earn the public's trust between each stakeholder.

We have one chance to get this right. This early stage beckons all stakeholders to conduct their due diligence. I implore the Coastal Resource Management Council to bring transparency and

⁴ Recommendations for Mapping Fish Habitat (March 2021) page 3 of the letter from Assistant Regional Administrator Chiarella.

⁵ Moore, Kirk (March 12, 2020) NOAA fish study underway on New England offshore wind area. WorkBoat. <https://www.workboat.com/offshore/noaa-fish-study-underway-on-new-england-offshore-wind-area>

⁶ Autonomous Real-time Marine Mammal Detections Wood Hole Oceanographic Institution. Cox Ledge, Winter 2020-2021. http://dcs.whoi.edu/cox1120/cox1120_we16.shtml

accountability between the parties holding a shared interest in wind lease areas, while allowing for the collection of long-range data to provide an accurate depiction of the ecosystem before approving accelerated construction.

I stand ready to work with CRMC and the many stakeholders to ensure projects are advancing that are environmentally sound and that cause minimal negative impact to the marine habitat and New England's fragile fisheries.

Thank you for your hard work and consideration as you strive to balance the many important interests before you tonight.

Sincerely,

A handwritten signature in black ink, appearing to read "Dawn Euer". The signature is fluid and cursive, with the first name "Dawn" being more prominent than the last name "Euer".

Dawn Euer, Esq.
Senator District 13
Chair, Senate Committee on Environment & Agriculture

cc: Coastal Resources Management Council Members