

October 7, 2022

Secretary of the Board
44 South Clinton Ave, 1st Floor
Trenton, NJ 08625-0350

Re: ROSA Comments for 3rd Solicitation for NJ Offshore Wind Renewable Energy Certificates (OREC) Docket No. QO22080481

The Responsible Offshore Science Alliance appreciates the opportunity to comment on the Request for Information (RFI) from the New Jersey Board of Public Utilities Docket No. QO22080481. Our response is in two forms: specific responses to the questions listed in the RFI, followed by more general comments.

Response to Questions

A. Project Design

4. The size of the project may be a factor for co-existence with fishing, and with scientific monitoring for impacts. Experience from southern New England indicates that large contiguous blocks create issues with transiting of vessels, including commercial and recreational fishing boats. These issues may be alleviated by creating multiple smaller blocks with gaps of 1 nautical mile or larger between them to allow safe transit.

The issue with scientific monitoring of impacts is the ability to find a nearby control area that is similar enough to the project area, but unaffected by the project. Smaller or discontinuous blocks may facilitate the pairing of similar areas to allow “Before-After-Control-Impact” studies. “Before-After-Gradient” studies do not rely on control areas, but are facilitated by isolation of the impact factor, that is, the development area.

E. Environmental and Fisheries Mitigation Plan

37-40. The specific requirements included in the Second Solicitation’s SGD are good. ROSA believes they could be strengthened by being rated in the Criteria for Evaluation of Applications to incentivize higher levels of transparency and availability.

ROSA supports a comprehensive assessment of the data to be collected during the monitoring plans. The community of stakeholders involved in fisheries, fisheries management, and fisheries science have a general and common expectation and practice of expansive data sharing. Restrictive data policies conflict with that community’s expectations and practice. Our experience with data requests, data sharing, data accessibility and data security indicate that the resistance to transparency, access, and availability can be very high.

We recommend including, in as strong terms as possible, a requirement that applicants develop data availability plans including a catalog listing the data expected to be collected for the duration of the project, documenting details such as sampling locations and frequency, metadata standards and details, identification of public data repositories (if available), approximate date of availability of each data stream, and contact person for each dataset. Descriptions of how data will be secured from natural disasters, mechanical failure, and malicious attacks such as ransomware are also suggested. These catalogs should be submitted annually to allow for adaptive research planning and to capture project progress. These catalogs should also be required to be submitted to ROSA and the RWSC on an annual basis to aid in regional coordination and public dissemination (where appropriate).

40-41. We do not see any reason to limit the scope of environmental or fisheries data. We suggest that the burden of determining why and which data should be proprietary should rest with the applicant with review by the regulatory authority.

42. Some delays in data availability on the part of developers and academics are reasonable, but there is substantial disagreement in the region on what delays are reasonable. A collaborative effort between New Jersey, ROSA, the Regional Wildlife Science Collaborative (RWSC) and other regional bodies would help develop a reasonable standard.

44. We support independent, peer-review of the research and monitoring plans by stakeholders. We also support requesting a plan for engagement and co-design of monitoring plans, including specifics regarding sampling gear and rigging, with relevant members of the commercial and recreational fishing industry. We similarly support such a plan with regional academic subject matter experts. After a plan is developed, we further suggest review by one outside scientific and one fisheries expert, where appropriate, through regional science organizations. ROSA has the capability and experience to handle these reviews with our network of Research Advisors and others and would be willing to support this process.

45. To avoid redundancy, a collaborative effort with ROSA and RWSC could develop opportunities to integrate data across projects and taxa.

47. ROSA supports the continuing requirement for a nameplate-capacity-based fee to support regional research and monitoring. This funding is one of the few developer-provided pools of funding and an opportunity to study regional impacts independently of developers. We encourage New Jersey to broaden the eligibility for receiving this funding to a greater number of institutions in particular due to an increasingly concerning limitation in capacity and availability of New Jersey research institutions and scientists.

This funding also alleviates challenges associated with developers' health and safety requirements for participating fishermen, a recognized barrier to fishing industry involvement.

This funding could also be used to develop a data repository. The Crown Estate in the United Kingdom adopted the Marine Data Exchange (<https://www.marinedataexchange.co.uk/>) to serve as a data warehouse for offshore developers and serves as an example of structures that could be developed in the United States.

Additional Comments

We support the inclusion of fishermen's ecological knowledge (FEK)¹ and other socioeconomic data collection into requirements. While existing data on fishing locations, effort, and value (e.g., VTR, VMS, landings data) are an important source of information for offshore wind planning, FEK can provide far richer information about ecological and socioeconomic dynamics. In addition to filling in data gaps about marine ecosystems, FEK can provide important insights about the social and economic impacts of offshore wind, as well as ensure that planning and permitting efforts promote greater equity for the range of ocean users.

We support encouraging applicants to participate in regional science organizations dedicated to assessing regional impacts from offshore wind development, such as ROSA and the RWSC. We encourage dedicated funding for regional research to support functions provided by these organizations including: 1) Ensuring that projects are consistent with ongoing research in the region/on the topic; 2) Convening regional experts and stakeholders to advise on project approach, methods, analyses, and uses in decision-making; 3) Ensuring project teams have access to and follow best practices and data management protocols identified by ROSA and RWSC; 4) Communicating the value of regional research activities and results.

ROSA welcomes a plan for applicants to seek membership on our Advisory Council. We also recommend language regarding financial support of ROSA and the RWSC.

We appreciate your consideration of these comments.

Sincerely,



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¹ Defined by Madeleine Hall-Arber at a recent ROSA Advisory Council meeting as, "the information fishermen accumulate over time, especially through daily interaction with the ecosystem, supplemented with knowledge passed on by previous generations and fellow fishermen."