

Virginia Ocean Stakeholder Engagement

FY23 Task 92.02 Final Report

Grant Period October 1, 2023 to Dec 31, 2024

Grant# NA23NOS4190255

Compiled by Todd Janeski, VCU, Rice Rivers Center

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Virginia Coastal Zone
MANAGEMENT PROGRAM

Rice Rivers Center
The logo for the Rice Rivers Center, featuring a blue wavy line and the text "VCU" in yellow.



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For the grant reporting period, the Virginia Commonwealth University provided a Senior Program Director/Senior Marine Policy Analyst to serve as the VA Ocean-based Commercial Fisheries Coordinator (“Fisheries Coordinator” or FC) for the Commonwealth of Virginia. The grant funded position is supported by both the VA Coastal Zone Management Program (VCZM) and the VA Marine Resources Commission (VMRC) to provide a collaborative and complimentary effort to strengthen the relationship between the ocean-based, commercial fishing industry and the CZM as it relates to changes in ocean use. The role of the Fisheries Coordinator is to deliver direct support to the VCZM Program Manager, VMRC Commissioner’s Office and the Governor of Virginia’s Office on marine policy and ocean fishing issues deemed important to the State of Virginia. The Fisheries Coordinator works closely with those Virginia permitted, licensed or landed fisheries actively working in the Atlantic Ocean to ensure they are fully informed to changes in ocean use that might directly affect commercial fishing activities, traditional use, and the protection of domestic food security.

Product 1: Ocean Fisheries Coordination Report

The rapid pace of offshore wind development and high volume of projects that the VA commercial fishing fleet may encounter, the demands to connect the fishing communities with the proposed changes in ocean use are ever increasing. Those changes are likely to result in direct and indirect impacts to Virginia seafood landings, the value of seafood, changes to shoreside seafood infrastructure, and the coastal communities reliant on commercial fishing. The Fisheries Coordinator serving as a primary point of contact for coordinating outreach and engagement of fishing industry stakeholders, arranging and establishing meetings, communicating with those stakeholders and coordinating communication between regulators and this community. The Fisheries Coordinator facilitated the organization of directly affected fishermen and communities as it relates to permitted and proposed OSW call areas, proposed USCG transit route studies, and meetings with government officials.

The collaboration with VMRC to support a Fisheries Coordinator is sources from the Marine Fishing Improvement Fund (COVA S28.2-208) which generates fees collected from the sales of seafood landings licenses under S28.2-228.1 for a number of stated purposes, but most relevant, “(i) managing and improving marine fisheries, (iv) education of commercial fishermen, (v) conservation and management strategies identified by the General Assembly and the Commission, and (vii) retaining commercial fishermen to engage in replenishment, research, and stock assessment activities. Supporting a Fisheries Coordinator has not simply continued to assist with obtaining data from the commercial fishing community but increase the effort to maintain the necessary momentum of the industry’s involvement as these emerging issues have increased in intensity. The support has also met the intent of COVA S208.2-208 “(vii)” by directly coordinating and engaging with those affected fishermen in research and stock assessments as it relates to changes in ocean use as we have engaged the industry into those studies prior to the construction of the CVOW-C for conch/whelk, sea bass and surf clam.

Bi-weekly Cabinet level meetings including the respective agencies, management and designated personnel involved in OSW. The Cabinet level meeting agendas were dominated by fisheries and wind topics as the region was advancing the identification of future wind energy areas (WEAs) and the deployment of permitted projects. Those meeting provided the opportunity to brief all Secretaries on the value and impact of VA’s fisheries and shoreside businesses to VA in an effort to forward a coordinated approach to deployment and one that ensured the values of the commercial fishing industry were represented.

Direct personal contact, public meetings, email, were the primary means to inform and refine Virginia's perspective as it relates to changes in use and to improve the two-way conveyance of relevant information that may affect the commercial fishing industry. The Fisheries Coordinator researched relevant topics, providing policy input, inform economic development, drafting policy and response letters and through a coordinated effort with the VCZM and VMRC to advance the understanding of commercial fishing as it relates to other uses and activities. The relationship with the commercial fishing industry has continued to grow where representatives from the east and west coasts have shared their experiences with respect to the changes in ocean use to inform our affected industry members. Fishermen have shared concerns including the loss of access to fishing areas, impacts to habitat from potentially destructive activities such as mining and energy development, loss of revenue, changes in transit routes that would increase operating expenses, lost days at sea or the impacts of regulatory changes that threaten their livelihood. The commercial fishing industry shares concerns that the energy developers are more able to invest in advancing energy development than they are able to participate due to the available capacity and funding internal to the energy developers.

Virginia's seafood economy is comprised of a complex inter-relationship of activities that is reliant upon fish landed in Virginia as well as the revenue of those fisheries landed outside of Virginia but credited toward the quota or economic portfolios of those VA-based businesses. The goal of the Fisheries Coordinator is to work closely with this sector to directly understand their concerns, operations and bring that feedback into the discussions, policies and response letters. The Coordinator provides updates on broader reaching ocean issues and helps organize commercial industry's participation as VA advances offshore renewable energy. The Fisheries Coordinator maintained a productive and ever-growing relationship with field partners including NOAA, other state CZM programs, fisheries representative from Sea Freeze Inc, Responsible Offshore Development Alliance (RODA), Responsible Offshore Science Alliance (ROSA), Garden State Fishing Association, Long Island Commercial Fisheries Association, private seafood companies in/out of VA and representatives from the Virginia commercial fishing fleet from the pot, trawl, gillnet and dredge fisheries.

The Fisheries Coordinator worked to ensure that the VA-based and those licensed to land in Virginia were aware of opportunities for comment on such items at the Central Atlantic Call Area for new Wind Energy Areas, changes to federal policy such as the NEPA Modernization Rule, and the National Seafood Strategy, as well as state policies and plans such as the Virginia Energy Plan. Regular communication was maintained with the industry through direct communication via phone, text, email and direct in-person communication. In-person and remote personal meetings with industry was executed representing the following communities (but not limited to): VA Beach, Norfolk, Newport News, Hampton, Gloucester, Cape Charles, Reedville, Deltaville, Mathews, Middlesex and Mathews Counties. Regular communication was maintained with the surf clam, whelk/conch, squid, summer flounder, scallop, sea bass and gill net fisheries. Communication was maintained with such companies as LD Amory, Lund's Fisheries (NJ), Surfside Seafood (NJ), Town Dock (RI), Sea Freeze (RI), B&C Seafood (VA), Seaford Scallop (VA), Ocean Fleet Services (VA), and many smaller family-run businesses.

The collaboration with VMRC was intended to achieve two objectives: inform the development of deployment of energy ensuring the fishing industry was fully aware of the proposed changes that could affect their operations (both at sea and on land) and assist with their ability to submit direct comments on those activities. Additionally, the FC directly supported the VMRC Commissioner's Office and the Secretary of Natural and Historic Resources on policy issues, informed and developed response letters to appropriate federal agencies and represented the Commonwealth on regional committees and facilitated meetings of the seafood industry with the Administration as well as kept the Administration fully aware of their concerns.

During the project period, the Fisheries Coordinator worked with the VMRC to utilize the Ocean Fisheries Advisory Committee (OFAC) to provide direct feedback from the commercial fishing industry to advise the VMRC Commissioner and to the Commonwealth of Virginia's Governor's Office on policy issues related to changes in ocean uses along the Atlantic Coast. The Fisheries Coordinator maintained the role as the primary point of contact for coordinating the committee, facilitating meetings and obtaining feedback on critical issues. The committee formalizes much of the informal relationships maintained by the VCU FC, VMRC and others. Virginia has requested the industry to help inform and review the policies to ensure traditional seafood industry jobs are maintained, encourage sustainably managed fisheries and to protect domestic food security. The OFAC provides for a rapid response to socialize issues and to document the industry's perspective. The involvement, while considered ad-hoc, is incredibly valuable since it focuses on those ocean-based seafood companies either residing in or landing in VA. Both of those aspects of the seafood industry are critical to maintain to ensure a sustainable seafood economic portfolio and hold VA as a top seafood state, nationally.

Policy Analysis and Technical Writing

The strength in the relationship between the Commonwealth and the commercial fishing industry bolsters the value of the VA Coastal Management Program resulting in productive conversations with the industry to inform and strengthen the comment letters, policy reviews and overall process ensuring that the perspective and opinions of the VA seafood industry was reflected. The Fisheries Coordinator worked directly with the VMRC on policy analysis, responses to changes such as the Central Atlantic Call Areas, submitting written comments and reviews of technical documents and conducting economic summaries of those pertinent data obtained from NOAA. Those comments were directed to BOEM on the Central Atlantic Call Areas and, as part of the included letter, the Fisheries Coordinator continued to include those letters from out of state companies licensed to land product in Virginia that were received as part of their comments. The comment letters to BOEM provided detailed analysis of the fishing activities in the proposed areas and suggested the most suitable locations with the least amount of conflict with existing, traditional users. The FC assisted the VMRC to submit comments to BOEM at two distinct points in the process to ensure those affected fisheries were appropriately identified. Those comments to the Modernization Rule included suggestions based on Virginia's experience with the CZMA and recommended that timelines for Federal Consistency not be changed to permit the fullest evaluation of any effects to the Marine Enforceable Policy.

Fisheries Coordinator also represented Virginia on the BOEM Central Atlantic Task Force and participated in sub regional meetings between DE, MD, and NC. The Fisheries Coordinator attended the Sunrise Wind, Empire, Beacon public meetings as well as the BOEM Clam, Trawl, Dredge and Pot Sector meetings for the Central Atlantic Call Areas. The Coordinator attended the Virginia Offshore Wind Development Authority (VOWDA) remotely and in-person. Additionally, the FC represented VA at the monthly Interstate Fisheries Coordination meetings and monthly Interstate OSW Coordination meetings coordinated by RI. The Coordinator participated in the monthly MARCO OSW workgroup, the New York State Energy Research and Development Authority Fisheries Technical Working Group (NYSERDA FTWG) and worked closely with state fisheries and energy staff from NC to ME.

CVOW-C

The CVOW-C project required significant time investment in the final stages up to and through deployment. The FC has been supporting the VCZM in meetings with Dominion Energy well before the direct support from VMRC was obtained. The Fisheries Coordinator ensured the participation of the commercial sector in cooperative fisheries research for CVOW-C and actively participated in the weekly meetings with Dominion and VIMS to develop preconstruction monitoring for whelk, sea bass and surf clam. The Coordinator met with commercial fishing industry representatives in field and remotely communicated frequently to share project updates and to include them in the overall process, specifically in the development of monitoring from design to implementation and data review. During the period, the FC continually updated the industry with the opportunity to be involved in pre and post construction

monitoring. The FC served as a primary point of contact but directed all interested parties to VIMS for direct involvement. This included working with the conch, sea bass and surf clam industries with close coordination with fixed gear fishermen. The FC was involved in reviewing the results of preconstruction surveys where significant potential of surf clam were identified in the lease area. While working with the surf clam industry, the development of a concept for surf clam replenishment program in lieu of direct compensation was initiated.

The Fisheries Coordinator represented the Commonwealth as part of an Atlantic, eleven-state, state-lead effort facilitated by the Special Initiative for Offshore Wind (SIOW) to develop a compensatory mitigation effort and regional fiduciary administrator (RFA). The Fisheries Coordinator represented Virginia and actively participated in the process to develop the structure and framework for an RFA. The FC was granted the seat to represent the south-Mid-Atlantic on the Design Oversight Committee. The FC closely coordinated with the Responsible Offshore Development Alliance (RODA) and the commercial fishing industry to ensure they are involved in the process with the goal to benefit strong and effective public policy as it relates to compensating those affected fishing businesses. The FC worked closely with the surf clam industry and participated in the public process to integrate their approach as oppose to receive direct compensation for losses.

The states, RODA, and CBI maintained the representatives to serve as fisheries experts in advising the 11-states on their fishery's compensatory mitigation process. RODA and CBI facilitated these Fishing Advisors (FAs) to help manage their participation. The FAs represented a diverse representation of fisheries, gear types and regions. Associations and businesses the FAs represented included:

- Fisheries Survival Fund
- The Town Dock
- Massachusetts Lobstermen's Association
- Maine Lobstermen's Association
- Garden States Seafood Association
- Northeast Seafood Coalition