GROUNDFISH ADVISORY SUBPANEL REPORT ON HABITAT ISSUES

The Groundfish Advisory Subpanel (GAP) references the Habitat Committee (HC) Report under this agenda item and agrees with most of the HC’s recommendations with regard to wind and wave energy (exceptions are noted below). Regarding potential expansion of marine sanctuaries in the Gulf of the Farallones and Cordell Banks, the GAP will reserve comments on this issue until June. Regarding Coleman Hatchery Releases, California Drought and Bay/Delta Conservation letter, the GAP has no recommendations.

**Principle Power WindFloat project**

Many GAP members were in attendance during Principle Power, Inc. Vice President Kevin Banister’s presentation Friday in the HC.

One of the overarching issues to which the GAP has spoken before is the lack of inclusion of the seafood industry in siting wind and wave energy projects in the Outer Continental Shelf (OCS) off the West Coast. While the Bureau of Ocean Energy Management (BOEM) works with the Oregon Renewable Energy Intergovernmental Task Force, the members of that body consists solely of state and Federal agencies and elected officials. It is unclear if states and Federal representatives on the task force are knowledgeable about fisheries and the significant fishery disruptions that siting decisions could cause. Moreover and most critical, there is no allowance for seafood industry representatives nor any opportunity for the seafood industry to interact directly with BOEM through a process like the Pacific Fishery Management Council.

It is this lack of consultation with the seafood industry that is of utmost concern to the GAP, as we have stated before. For instance, while Principle Power, Inc., believed it was performing its due diligence by consulting with the local Coos Bay fishing fleet through the Southern Oregon Ocean Resource Coalition, the company did not consult with the at-sea whiting fleets, who consider the proposed lease area one of the most productive fishing areas on the West Coast. It is unfortunate the company was not aware of the whiting fleet’s concern prior to its unsolicited lease request and points to an inherent problem with the siting process: neither BOEM nor prospective developers know whom to consult when it comes to fishing grounds on the OCS. Neither do they realize that thousands of individual fishermen and processing employees from California to Alaska depend on those areas.

Mr. Banister also stated the company plans to perform environmental impact assessments. The GAP believes there is little to no baseline data to inform these analyses. In addition, the impression was given that only after the turbines were in place would it be possible to perform meaningful environmental analyses. This seems to contradict the fundamentals of environmental policy.

One glaring omission is: How will the company and Federal managers handle so many environmental studies? Many questions – and one public comment – specifically question how the company and Federal managers will handle potential bird interactions. Some have described the turbines as “albatross cuisinarts.” The seafood industry is concerned that any endangered bird interaction could also prevent the fishing fleets from prosecuting their fisheries. This must not be allowed to happen.
One other important note is that this is definitely a commercial operation: The lasting duration of the project, 20 to 25 years, could have long-term effects on coastal communities. The GAP has commented on this project previously because it is an important issue to the GAP. This emerging issue of competing ocean issues is one in which the GAP has great concerns.

The GAP thanks the Council for allowing Mr. Banister to make a presentation to the HC and requests the Council add BOEM representatives to future GAP and HC agendas as appropriate.

**PMEC-SETS letter (Pacific Marine Energy Center – South Energy Test Site)**

The GAP agrees with the essence of the HC letter regarding this wave energy research site. However, with regard to the HC’s suggested revision of the letter as proposed in the HC report, the GAP vehemently disagrees with using the BOEM Oregon Ocean Uses Atlas/Pacific Regional Ocean Uses Atlas Project.

The Atlas, as is currently developed, is woefully incorrect with regard to documenting recreational and commercial fishing effort outside of 3 nautical miles. The project is a joint BOEM/NOAA project and comments on its development are due by the end of April (the comment deadline was extended).

So far, the project’s results are based solely on the input of fishermen at meetings in June 2013 in Coos Bay, Newport and Portland. From the GAP perspective, this is clearly inadequate.

The outreach and importance of the project was not made clear to the seafood industry in a manner robust enough to solicit comprehensive comments. It’s unclear whether all fishing sectors were represented.

As such, many GAP members were unaware of this project moving forward. Though some members recognize the value of this as a preliminary basis or reference for potential wind and wave energy siting projects, its use at this point is far too premature.

To that end, we have attached four letters from various entities drawing attention to this issue: 1) Lincoln County, Oregon, Commissioner Terry Thompson; 2) the Oregon Coastal Caucus; 3) U.S. Rep. Peter DeFazio; and 4) other Oregon members of Congress (Rep. Suzanne Bonamici, Rep. Kurt Schrader, Sen. Ron Wyden, Sen. Jeff Merkley and Rep. Earl Blumenauer).

The GAP urges the Council *not* recommend use of the Atlas until the data can be considered accurate and more robust.

PFMC
04/05/14
February 11, 2014

Governor John Kitzhaber
State Capitol Building
900 Court St. NE, Suite 254
Salem, OR 97301-4047

Oregon Coastal Caucus
C/o Senator Jeff Kruse
900 Court St. NE, S-315
Salem, OR 97301

Representative Caddy McKeown
900 Court St. NE, H-376
Salem, OR 97301

Dear Governor Kitzhaber and Members of the Coastal Caucus,

On February 7, 2014 I received an email from Hugo Selbie, the Project Coordinator for the Pacific Regional Ocean Uses Atlas (PROUA). Mr. Selbie asked me to review and provide feedback on a preliminary set of “use maps” generated by the PROUA staff. I was one of the relatively few coastal residents that participated in one of the three PROUA workshops held last summer in Oregon.

PROUA, we are told, is the United States Department of Interior’s (USDOI) effort to “broadly document” where ocean uses are occurring on the Outer Continental Shelf (OCS). USDOI will use this information when they lease ocean space for renewable energy development in federal waters within the OCS. Unfortunately, the efforts to date are woefully inadequate to document the extensive and varied historical uses of the OCS by coastal communities. Coastal communities need to be able to thoroughly and systematically identify and protect these historical uses, community resources, and most importantly jobs and our local economy if we are to support pursuit of these new opportunities.

Mr. Selbie’s email noted that they need us to review these maps as soon as possible. USDOI is about to hold two “Data Validation Webinars” (February 18th and March 12th) that mark the final round of community feedback on PROUA. Here’s what I plan to communicate to USDOI: The PROUA data gathering and mapping process was deeply flawed and inadequate. Here’s what USDOI should have done: USDOI should have approached leaders in our region and asked, “How can we work together, as partners, to gather information from people on the Oregon Coast about how they use the Pacific Ocean?” Regrettably, that didn’t happen. I will inform USDOI (and members of Oregon’s Congressional Delegation) that we have found the PROUA process, its methods and outcomes, to be unacceptable. They talked to too few people. They asked the wrong questions.

For instance, one federal agency (the National Marine Fisheries Service) tells the coastal fishing fleet they can’t fish in the Rockfish Conservation Area (RCA) until the protected species recovers. And now, even though these species are making remarkable recoveries and moving towards a day in the very near future when sustainable harvests will once again be resumed, we have USDOI determine that because we don’t currently fish in the RCA, that makes the RCA a place to encourage the siting of ocean energy. That’s a Catch 22. We need to have historic fishing grounds identified and protected in PROUA. This is only one example of many flaws in the methodology. The larger point I am making is, these issues are complicated. They need to be thoroughly and systematically vetted, studied and considered. To achieve a supportable decision framework in the OCS we need to work together.

In the wake of this unfortunate experience, though, I believe we have a tremendous opportunity. We should dedicate resources and launch a genuine community-driven data gathering process. For years, in Oregon, we’ve wanted an opportunity to integrate what ocean users know about the ocean with what members of the scientific community know about the ocean. This is our chance to undertake this multi-disciplinary effort. Therefore, I propose we petition Oregon’s Congressional Delegation to have Congress invest $1 million in the Oregon Science Trust for this historic
purpose. It is essential that the work accomplished with these funds be directed by a community and legislative based oversight committee.

Last week in Portland I met with Secretary of the Interior, Sally Jewell, BOEM Director Tommy Beaudreau and Oregon Governor John Kitzhaber to hear them announce a promising energy pilot project off the Oregon Coast in the OCS. At that time, Director Beaudreau publicly promised that the fishing industry would “have a seat at the table” in siting these uses in the OCS. Governor Kitzhaber added that siting wave energy must be done in “a way that is respectful and intentional about the other resources that we have off our coast, and those people who are currently using those resources.” Director Beaudreau further stated that “up front stakeholder engagement [is required] in order to site renewable energy projects in the right places and to remove conflict by engaging a whole host of stakeholders, from fishermen to the maritime industry, to scientists involved in understanding ocean habitat, to other federal agencies and very importantly, the state, so that when we go forward with leasing these projects they're done in the right way and it's done in the right place...”

Two days ago, via email, I received these deeply flawed maps of the ocean (PROUA) based on a deeply flawed process. I feel like we’ve been left on the floor, not seated at the table. That needs to change to honor the commitments of Secretary Jewell, Director Beaudreau and Governor Kitzhaber. There is an opportunity to work together to develop a genuinely collaborative process that won’t put us on a path of distrust and confrontation. We are all stewards of these ocean resources and should work together to best determine how they should be used, enjoyed and protected for future generations. Support of our proposal will honor those commitments.

Sincerely,

Terry N. Thompson

CC: Oregon Congressional Delegation
    OCZMA Membership
    Sally Jewell, Secretary of the U.S. Department of the Interior
    BOEM
Ellen G. Aronson  
Pacific OCS Regional Director  
Bureau of Ocean Management  
770 Paseo Camarillo, Second Floor  
Camarillo, CA 93010

Will Stelle  
Regional Administrator, NOAA Fisheries Northwest Region  
7600 Sand Point Way Northeast  
Seattle, WA 98115

Dear Ms. Aronson and Mr. Stelle,

I am writing to express my serious concern about the Pacific Regional Ocean Uses Atlas project and the lack of public participation on the Oregon Coast to establish an accurate atlas. Without additional input and review from stakeholders – including, but not limited to, Oregon’s recreational and commercial fishing industries – I fear the maps will be flawed, incomplete, and inadequate for future ocean planning efforts.

I understand the Pacific Regional Ocean Uses Atlas (PROUA) project is intended to “document where coastal communities use the ocean across the full range of typical human activities and sectors” to assist in future ocean planning for offshore renewable energy development. That’s a laudable goal and such an atlas would be useful to future ocean planning processes. But, by definition, that process requires the participation, expertise, and buy-in of coastal communities and the diverse interests they represent.

I learned that the Bureau of Ocean Energy Management (BOEM) and the National Ocean and Atmospheric Administration (NOAA) held three workshops last June to collect Oregon ocean uses data to build the atlas. These workshops, which occurred in Portland, Newport, and Coos Bay, do not appear to have been widely advertised by the agency. Unsurprisingly, they were not widely attended by coastal residents. I received reports indicating that only three people attended the meeting in Newport and eight in Coos Bay. What was surprising was the fact that neither BOEM nor NOAA reached out to FISHCRED, a statewide commercial fishing nonprofit organization focused on data management and support of marine spatial planning. It seems to me that FISHCRED is exactly the type of organization BOEM and NOAA would be interested in engaging and learning from.

Despite limited feedback and community participation, last month BOEM/NOAA released draft “use maps” and solicited feedback from coastal residents by March 12. This raises questions about where the raw data came from to build the atlas tool and how accurate that data is. For example, it was brought to my attention that one of the maps indicates tuna and salmon fishing is restricted primarily to the northern coast of Oregon: “Newport and Coos Bay are primarily focused on mid-depth trawling.” This is inaccurate. Newport is the number one port for tuna landings and second in salmon. Coos Bay is second in tuna landings and third in salmon. Again, this error, and others yet to be identified, likely could have
been avoided had BOEM and NOAA more actively engaged Oregon’s coastal interests, experts, and community members.

At the minimum, more time is needed to adequately analyze, review, and comment on the draft maps. But I also strongly urge both agencies to develop a more effective plan to engage coastal interests and to solicit and incorporate coastal use data from a broader group of users, experts, and stakeholders before the atlas is finalized. Creating a reliable, accurate, locally-developed atlas will be crucial to the atlas’s credibility as a planning tool for the federal government, the State of Oregon, tribes, management and planning councils, interested stakeholders, and the general public. Under the existing process, I do not believe that credibility has been established.

Simply put, more coastal interests need to be consulted on this project and more time is needed to thoroughly review and vet the project. I respectfully request that you inform me how your agencies will accomplish our mutual goals of developing an accurate, credible, usable ocean planning tool that fairly incorporates the input, expertise, data, and local knowledge of Oregon’s coastal communities and users.

Sincerely,

Peter DeFazio
Members of Congress
Tommy Beaudreau
Director
Bureau of Ocean Energy Management
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Director Beaudreau:

We write today on behalf of stakeholders along the Oregon Coast who are concerned with the ongoing efforts to map ocean uses along the Outer Continental Shelf (OCS). The Pacific Regional Ocean Uses Atlas (PROUA) project is an important one and we appreciate your agency, BOEM, working alongside the National Oceanic and Atmospheric Administration (NOAA) to accomplish the goals of data collection and strategic ocean planning. Coastal and ocean activities are continuing to grow in Oregon and throughout the Pacific Ocean and it will be vital for local, state, regional, and federal leaders to manage the diverse uses, especially as renewable energy development becomes more of a reality. Now that the PROUA process has released a set of preliminary use maps for Oregon, we request a more thorough public engagement process in order to validate the maps and strengthen stakeholder buy-in.

Without a robust dialogue with local interested parties, we have concerns that the final maps will include discrepancies and not be embraced by coastal residents and industries. For instance, the National Marine Fisheries Service designated the Rockfish Conservation Area as off limits to fishermen until sustainable harvests could resume. Because it is not currently utilized for fishing, PROUA pinpointed this area as a potential location for energy development, despite the fact that these species are making remarkable recoveries. Such historic fishing grounds should be recognized in determining locations for future energy development siting. Involving the fishing community more thoroughly in the process before the maps are finalized would enable BOEM and NOAA to develop more appropriate questions, draw on their extensive historical knowledge of the Oregon’s offshore areas, and increase stakeholder participation in information gathering activities.

We recognize that the complexity of the project and the steps the federal agencies have taken to date to involve stakeholders. The PROUA project set up three Oregon workshops in June 2013 for the purpose of gathering input from community members. This reflects the theme of your recent stakeholder meeting in Portland with Secretary Jewell and Governor Kitzhaber to engage coastal community members as discussions of OCS energy siting proceed. However, we have heard that community members from Depoe Bay did not receive an invitation to the workshops, nor did any members from the historic Pacific City dory fleet attend the meetings. Further, no workshop was organized for the North Coast. Given those shortcomings and the misgivings with the preliminary use maps, it seems clear that more community involvement is needed. Instead, it appears that the Department of the Interior has only offered two “data validation webinars” for public input prior to the closing of its public comment period on April 30th. Adopting ocean use maps without a more concerted effort to engage the affected communities and industries would be unfortunate.
Many fishermen and community members are excited about the possibilities of energy in the Pacific Ocean and supportive of its potential. We hope this spirit of collaboration continues and is only strengthened as we move forward.

Sincerely,

KURT SCHRADER  
Member of Congress

RON WYDEN  
U.S. Senator

JEFFREY MERKLEY  
U.S. Senator

SUZANNE BONAMICI  
Member of Congress

EARL BLUMENAUER  
Member of Congress
March 3, 2014

The Honorable Suzanne Bonamici  
439 Cannon House Office Building  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congresswoman Suzanne Bonamici,

As elected officials and members of the Oregon Legislative Coastal Caucus, we are aware of how fortunate we are to have representatives in Congress who appreciate the importance to our state, of the appropriate conservation and development of ocean resources. We write to enlist your assistance in our efforts to sustain existing and create better economic opportunities for Oregonians and ask that you support, and encourage your congressional colleagues to do likewise, an appropriation of funds to the Oregon Ocean Nearshore Science Trust. These funds will vitalize the Trust so that it can help us achieve our goals of (1) creating a community-driven data collection process to support marine spatial planning, (2) establishing regulatory cooperation between key stakeholder groups, and (3) identifying and institutionalizing the knowledge and resources needed to better integrate our economic plans with federal regulations and policies.

We recently became aware that the United States Department of Interior is attempting to “broadly document” where ocean uses are occurring on the Outer Continental Shelf through a process known as the Pacific Regional Ocean Uses Atlas (PROUA). We note, unfortunately, that the PROUA process lacks the type of collaborative data collection and mapping process essential to effective planning and management of our oceans. And we strongly believe that, “to understand the patterns and implications of ongoing and future human uses of the ocean,” we need to gather and align state and federal data and policies on ocean use as well as integrate the best practices of ocean users with the expertise of the scientific community.

In seeking funding for the Oregon Ocean Nearshore Science Trust, we are also working to realize a goal of the Bureau of Ocean Energy Management (BOEM) to “minimize potential use conflicts and to inform ocean planning strategies for new and emerging uses.” We are confident that, as
our local vehicle, the Oregon Ocean Nearshore Science Trust, will create effective models of economic development that are in harmony with the goals articulated by the BOEM.

Local stakeholder groups support the Oregon Ocean Nearshore Science Trust as a significant step forward in promoting collaboration among traditional ocean users, the scientific community and our state and federal leaders. Over the years, we have drawn on a variety of local leaders to help us advance a working governance model capable of making exceedingly difficult management decisions about the location and scale of future offshore energy developments. We are seeking funding to help us build on the specific successes that will advance the healthy economic future that Oregonians in the coastal areas deserve and that our state needs.

Dedicated funding to the Oregon Ocean Nearshore Science Trust will provide the resources required to pioneer a new collaborative model with federal agencies. This is a tremendous opportunity to greatly enhance our understanding of the living resources of the Outer Continental Shelf and assemble the information needed to make well-informed decisions about offshore development.

We look forward to working with you in this effort and to your assistance in securing the needed funding. You have our thanks in anticipation of your kind attention and cooperation.

Sincerely yours,

Representative Caddy McKeown, Chair

Senator Jeff Kruse, Vice-Chair

Senator Betsy Johnson

Representative Deborah Boone

Senator Arnie Roblan

Representative David Gomberg

Senator Doug Whitsett

Representative Wayne Krieger