

## GROUND FISH ADVISORY SUBPANEL REPORT ON THE MARINE SPATIAL PLANNING UPDATE

The Groundfish Advisory Subpanel (GAP) received a briefing about the materials under this agenda item from Mr. Kerry Griffin, Pacific Fishery Management Council (PFMC) staff officer. Additionally, several GAP members attended the Habitat Committee (HC) meeting on Feb. 24, 2021, during which time the HC received presentations from the National Marine Fisheries Service (NMFS) and the National Center for Coastal Ocean Science (NCCOS) regarding aquaculture opportunity areas (AOAs); and the Bureau of Ocean Energy Management (BOEM) and Oregon department of Land Conservation and Development (DLCD) regarding offshore wind. The GAP also considered other advisory body statements ([Habitat Committee](#), [Coastal Pelagic Species Advisory Subpanel](#), [Coastal Pelagic Species Management Team](#), [Ecosystem Working Group](#)) on this agenda item.

### **Overarching comments**

The GAP appreciates the information provided at the HC meeting, recognizing these presentations, particularly the offshore wind information, were designed to be high-level, introductory information. This may be sufficient for now and for those unfamiliar with these projects, but the GAP encourages more meaningful engagement with stakeholders as these processes move forward.

Several GAP members were surprised at the progression of the AOAs but also appreciated the amount of preliminary research considered to inform the process. We also note the offshore energy process off of California and Oregon is moving more slowly but still gaining momentum without serious consideration of the fisheries the projects may displace or affect. Or, put another way, the National Oceanic and Atmospheric Administration/NMFS effort appears to move forward in ways we would expect: research, outreach, engagement, discussion, siting. The BOEM process seems to be the opposite, finding suitable areas for wind energy projects based largely on criteria for an industry that does not understand the existing uses of the ocean, makes plans to lease those areas, and then commits to extensive research and outreach. The differences in siting processes between these sister agencies are diametrically opposed.

The GAP also noted, as did other advisory bodies, the datasets used for each effort were similar but could have been improved if shared datasets were made available. The [Ecosystem Working Group noted in its statement](#) that:

“Greater coordination between different state and Federal agencies conducting marine spatial planning would result in greater efficiency. Standardized approaches would ease the burden on managers and decision-makers. At the same time, local and regional knowledge should not be sacrificed for the sake of standardization. We encourage continued and more in-depth collaboration between National Marine Fisheries Service, other Federal agencies, and the state agencies to develop standardized tools and portals (ideally with common protocols, application programming interfaces, or cross-compatibility for data access), noting that this does not

replace the need for direct, robust consultation with fisheries participants and other local experts.”

The GAP agrees with this concept but notes that much of the fisheries data used in both projects is already out of date. This will be an issue well into the future as regulations change, resulting in changes in fishing behavior. For example, changes to the Rockfish Conservation Area (RCA) may open areas that have not been fished for more than two decades. Species that are considered rebuilt will change behavior to include more fishing on the continental shelf, in the case of some rockfish species, for example. Data included in the portals must be continuously updated so both current and historical information is represented.

Furthermore, as other advisory bodies reported, these data must be put into context and that can only be accomplished by serious engagement – not just outreach – with fishermen and other ocean users who could be affected by projects sited in the offshore areas.

### **Aquaculture Opportunity Areas**

In consideration of AOAs and potential lessees' operations therein, the GAP recognizes their duty not to unreasonably interfere with fishing operations and safe navigation.

Aquaculture operations in the open ocean do not come without some risks, including nutrient loading, the potential for organisms cultivated to serve as reservoirs for disease, escapement of non-native species into the environment, safety of navigation, and more. The GAP appreciates and supports all efforts to address and mitigate these risks and asks the Council to support the same.

The GAP also feels strongly that such operations should not be allowed to regulate fisheries and access in any way. Any fishery that feels there is a safely prosecuted opportunity to fish in proximity to such an aquaculture facility should be allowed to do so. The GAP asks the Council to use its best effort to assure such facilities do not prohibit access for fishing by policy.

### **Offshore wind**

Specifically, regarding offshore wind energy development, the GAP has many concerns and agrees with other advisory bodies' assessments that the Council and NMFS, particularly the science centers, must engage with BOEM *now*. The potential effects on coastal fishing communities cannot be overstated.

The data layers included in some of the siting research and analysis shows a lack of information regarding recreational fishing. Commercial fisheries are comparatively well tracked using various information systems such as vessel monitoring systems (VMS), logbooks, fish landing tickets and more, but sport fishing use and access are much more nebulous. Recreational fishing's strong contributions to the economic viability of coastal communities and ports must be considered in any siting considerations.

GAP members noted that existing data layers must include context. VMS tracks, for example, do not show where salmon trollers fish because these vessels don't use VMS. Furthermore, information also is available by simply talking with fishermen. Whiting vessels and cooperatives

depend on contracted data that has much more discrete area information; it could prove informative, provided BOEM discusses its data needs directly with the cooperatives and companies who access that data. Whiting cooperatives, port fishing associations, sport fishing trade associations, processors, etc., should be consulted prior to project siting.

Generally, more comprehensive socio-economic considerations must be included in the analyses. Loss of fishing grounds could affect whole communities and the number of jobs generated by offshore wind may not replace those lost in the seafood industry.

A [December 2020 Department of Interior Office of Solicitor opinion](#) supports the importance of the fishing industry when considering offshore wind placement, essentially saying BOEM can only approve projects if they do not unreasonably interfere with fishing operations. Furthermore, the seafood industry's perspective, specifically fishermen's input, is what determines whether a project is considered unreasonable. The agency must err on the side of less interference and interruption to fishing activities, according to the memo.

Thus, while the memo indicates fishermen's opinions are inherent to the process, GAP members remain concerned about BOEM's outreach. As many GAP members have experienced in the past, "outreach" seems limited to BOEM representatives communicating the agency's and developers' plans to fishermen without providing ample answers, true transparency, or engagement. Some specific questions have not been answered sufficiently, such as:

- How will BOEM/wind developers address the potential taking of birds under the Migratory Bird Treaty Act? Fishermen are held to a strict standard regarding short-tailed albatross; will wind energy companies also be held to that standard?
- How will BOEM maintain and update the data and layers used for sport and commercial fishing regulations? One snapshot in time does not accurately reflect ocean uses.
- Does the agency plan to engage local and regional fishermen and processors, both at-sea and onshore, about potential leases and sites? If so, how?
- Do BOEM or developers have plans for potential whale entanglement mitigation? The anchors and cables used may also alter migration patterns for whales and fish; how has BOEM accounted for this?
- Will access for transit or fishing through the turbine arrays be allowed? If fishermen are displaced from one area, consideration of the time necessary to transit to and from the vessel's home port or processor must be considered. As with the AOAs, the GAP feels these operations should not be allowed to regulate fisheries or access to fisheries and suggests the Council reiterate to BOEM that wind energy facilities should not prohibit access to fishing grounds.

The GAP understands an effort led by the California Ocean Protection Council is under way that seeks to identify current fishermen's use of offshore areas. The GAP supports this effort as part of a marine spatial planning effort.