

## MARINE PLANNING COMMITTEE REPORT ON MARINE PLANNING

The Marine Planning Committee (MPC) met via webinar on November 10, 2021, to discuss several issues related to offshore development and marine planning topics. The MPC received presentations on three primary topics:

- National Oceanic and Atmospheric Administration (NOAA) progress on developing an atlas of potential Aquaculture Opportunity Areas (AOAs) off Southern California
- United States Coast Guard (USCG) process and public comment period opportunity for its Pacific Port Access Route Study (PARS)
- Bureau of Ocean Energy Management (BOEM) updates on its nationwide offshore wind development process, and on offshore wind planning for waters off Oregon

The MPC also discussed several other marine planning-related issues, described below, and offers the following comments and recommendations for consideration by the Council, its advisory bodies, and the public.

### **NOAA Aquaculture Opportunity Areas**

Diane Windham (National Marine Fisheries Service [NMFS] Aquaculture Coordinator, Southern California AOA contact) and James Morris (National Centers for Coastal and Ocean Science; Program Lead and Southern California AOA Atlas contact) provided the MPC an update on activities related to AOAs. They will be giving the Pacific Fishery Management Council (Council) an update as well. NOAA advised the MPC of the impending publication of a Technical Memorandum entitled *Aquaculture Opportunity Atlas for the Southern California Bight* (“Atlas”). The Atlas, which should now be available, incorporates a suitability modelling approach to identify areas of highest potential opportunity for aquaculture development and is designed to support aquaculture planning activities. Because the Atlas is being published as a NOAA Tech Memo, there will be no opportunity for public comment. However, because the Atlas is intended to provide scientific background for future National Environmental Policy Act analyses, there will be opportunities to comment during that process.

The Notice of Intent (NOI) to prepare a programmatic environmental impact statement (PEIS) is expected to be published during the first quarter of 2022, possibly in February. Input gathered during the NOI process will inform the scope of the PEIS and identify potentially relevant information necessary to inform future aquaculture activities. The MPC **encourages** the Council’s advisory bodies and the public to become familiar with the Atlas and prepare to address this during a future Council meeting. We **recommend** the Council ask NOAA to ensure the public comment period for the NOI is at least 60 days in duration and covers at least one Council meeting.

### **USCG Pacific Port Access Route Study**

John Moriarty, U.S. Coast Guard, led a presentation on the Pacific PARS, which is Phase 1 of a four-phase development process. The USCG is [soliciting initial comments](#) on this study of vessel traffic patterns and other ocean uses in the West Coast Exclusive Economic Zone (EEZ) through January 25, 2022. The USCG will be assessing vessel traffic safety in approaches to West Coast

ports, studying whether there is a need for vessel traffic lanes (“fairways”) along the length of the coast, and considering whether there are areas of the EEZ where installation of permanent structures could be a safety concern or could inhibit navigation.

The MPC understands from Mr. Moriarty’s presentation that Phase 2 of the Pacific PARS will be data gathering and Phase 3 will be for modeling vessel traffic patterns to ensure that physical structures would not be installed in the EEZ in locations that could inhibit navigation. In Phase 4, the USCG would make its study results available for public comments and is aiming to complete the full study by 2025.

The MPC notes that the Council’s past discussions and letters of comment on marine planning issues such as offshore aquaculture and offshore wind energy development address the issue areas raised by the USCG in its solicitation for Phase 1 comments. We also note for the attention of the Council’s advisory bodies and the public, the [comments to the USCG](#) on Phase 1 of the Pacific PARS that highlight concerns about vessel transit in emergency, rescue, or foul weather situations, and that provide a useful model for the types of information that the USCG might need from fishing organizations, businesses, and ports.

We **recommend** the Council send a brief cover letter of comment to the USCG before January 25, 2022, that: 1) recommends keeping vessel fairways outside of the bottom-contact fishing grounds of Council-managed fisheries, and 2) forwards the Council’s prior comments on offshore wind energy and aquaculture installations, so that the USCG is aware of the Council’s past comments about the potential for such installations to affect fishing vessel safety and navigation. Going forward, we **recommend** Council staff copy USCG Districts 11 and 13 on future Council comment letters that may address installation of permanent offshore structures.

### **BOEM and BOEM-Oregon Task Force Updates**

Necy Sumait and Rick Yarde, with the BOEM, and Dr. Caren Braby, with the Oregon Department of Fish and Wildlife (ODFW), provided an update on the BOEM Oregon Intergovernmental Renewable Energy Task Force (Task Force) meeting in October, specifically, and about the Oregon offshore wind process in general. The Task Force meeting included a number of items detailed in the BOEM [agenda](#), with the recording and presentations online at <https://www.boem.gov/renewable-energy/state-activities/2021-task-force-meeting-nine>. BOEM offered two public comment periods during the Task Force meeting, both of which were well attended. The MPC considered the following items of utmost importance.

#### *Inclusion of additional data*

MPC members **agree** that BOEM should expand its data use, including fisheries logbook data, so that wind energy areas can be developed in a way that minimizes their potential effects on established fisheries. For example, fishermen and processor members of the MPC noted that siting of the Humboldt Wind Energy Area lacked sufficient analysis of fishery and seafood industry-related businesses to provide a full description of the use of the Humboldt area and the effects of displacing fishing activity could have on processors and related businesses in Northern California. As noted in the [Humboldt Wind Energy Area ID memo](#):

“Given the ubiquity of fishing activity along the Pacific Coast (as depicted on Figure 7), no single exclusion area or mitigation approach would resolve all potential commercial

fishing conflicts. Some areas important to one sector of the industry may not be important to others, and currently no available information indicates fishing grounds within the Call Area that are either marginal or notably valuable. Moreover, and as discussed further below, fisheries' economic productivity declines with depth and distance from shore.”

The information as presented in the memo oversimplifies the value of fishing resources and the importance of fisheries to coastal communities. The MPC **supports** pausing the siting of a call area off Oregon until BOEM has worked with ODFW and NMFS to develop, include, and analyze more complete fisheries location data sets, including logbook data. The MPC expects that while these data would not comprehensively address all fisheries data gaps, they would be an improvement over the data currently available in OROWindMap and could start being integrated as early as November or December.

#### *Stakeholder Engagement Report*

BOEM representatives noted its [Draft Data Gathering and Engagement Summary Report](#) is available for review and comment. The original deadline for comments was November 4; the new deadline is November 18. The MPC does not plan to make comments at this time but notes that other interested fishermen and seafood organizations may want to comment by that deadline. Furthermore, the Committee recognizes BOEM plans to issue draft Call Area(s) for Oregon for Task Force consideration in January 2022. The MPC requests any notification of draft Call Areas be published in the *Federal Register* only after Task Force input has been thoroughly considered, and on a schedule that overlaps with the March 2022 Council meeting, so the MPC and Council have time to provide information to BOEM to inform its review and site selection.

#### *Technology, wind speeds and the 1300-meter limit*

Although the MPC did not discuss it in detail, the Task Force received an information briefing on the status of offshore wind technology from the National Renewable Energy Laboratory (NREL), noting that floating wind turbine tower height, rotor diameter and blade speeds are increasing. The Task Force also discussed Oregon wind resources and the fact that recent studies show wind speeds are higher than previously estimated.

BOEM and NREL representatives told the Task Force the current 1300m depth limit for placing offshore wind devices is driven by current technology and that deeper waters increase developers' costs due to steep slopes and greater distances from shore. However, MPC members **support** the idea of BOEM including areas deeper than 1300m in the analysis of potential draft Call Areas, for the following reasons:

- Deeper areas would minimize many fishing conflicts (e.g. groundfish, salmon, coastal pelagic species) and impact some (e.g. highly migratory species, albacore);
- Deeper areas may result in different ecosystem conflicts, which should be analyzed and included in BOEM's rationale for siting of draft Call Areas; and
- Including deeper areas may encourage developers to design turbines and energy transmission systems that operate safely in deeper areas. Artificially limiting siting to areas shoreward of 1300m may discourage technological solutions for devices that could coexist with the fishing industry.

### *Cumulative impacts*

The MPC briefly discussed cumulative impacts and how multiple wind energy projects in multiple states would affect the entire West Coast fishing industry. Displacement of a number of fishermen in one area will have a localized effect not only on the fleet but the processors and businesses working with those fishermen. For example, wind farms placed in Southern Oregon and Northern California could have deleterious effects on the seafood industry for the whole region. BOEM agreed with the MPC that the NEPA analysis of cumulative impacts at the construction and operations (COP) phase may not be at the appropriate scale or timing to be meaningful and is brainstorming ways to identify examples of what is considered a cumulative impact earlier in the process.

### *Morro Bay and Humboldt areas*

The MPC understands the Morro Bay and the Humboldt Bay Wind Energy Areas will likely be combined into one lease sale process moving forward. This may be advantageous for more comprehensive comments. However, the Committee **requests** that any solicitation of public comments include deadlines that overlap a Council meeting, so the Committee and Council have time to provide meaningful information to BOEM. The MPC notes that BOEM issued an announcement on November 12, 2021, that the Morro Bay Wind Energy Area has been designated. BOEM will develop an Environmental Assessment (EA) and has solicited comments on the scope and other information to be included in the EA, with comments due January 11, 2022. BOEM will host two virtual public meetings to gather public input. The BOEM announcement is in the November Briefing Book as Agenda Item C.2 Supplemental Attachment 2. The MPC **requests guidance** from the Council on responding to BOEM's announcement and request for information.

### *Letter to BOEM regarding Oregon Call Area(s)*

This MPC report summarizes many issues related to future Call Areas off Oregon, and the MPC **supports** sending the draft letter (Agenda Item C.2 Supplemental Attachment 1) to BOEM regarding draft Call Areas off Oregon. The MPC has noted before the metrics BOEM uses for determining Call Area or Wind Energy Area siting are not available to the public. This information would be helpful so MPC members and the Council can provide appropriate comments and data. The letter also speaks to the 1300m limit, as noted above.

The MPC thanks Ms. Sumait, Mr. Yarde and Dr. Braby for their presentations and discussion.

### **Policy Document on Offshore Development**

The MPC discussed a potential policy document that would describe expectations for analyses, protection of resources (including fisheries, fishing communities, habitat, and coastal communities), grassroots engagement, coordination/outreach, and data utilization. There are common themes in many of the Council's communications on offshore development activities. These could be compiled into a single document that could be transmitted as necessary when comment opportunities arise and would be an efficient way to convey the Council's expectations and priorities relative to offshore development.

Much of this information already exists in Chapter 5 of the 2013 Fishery Ecosystem Plan (FEP). The Council is in the process of updating its FEP and, in March 2022, is tentatively scheduled to

both adopt an updated FEP and consider a draft standalone Guidance [Document](#) on Offshore Non-Fishing Activities. Should the Council choose to move forward with developing such a guidance document, the MPC would coordinate with the EWG and the Habitat Committee, which together house much of the expertise in the realm of resource impacts and vulnerabilities to development. In addition, other regional fishery management organizations have developed similar policy documents that could serve as templates.

### **Vandenberg Pilot Projects in State Waters**

During its October 21 meeting, the California State Lands Commission decided to proceed with the environmental review for two proposed offshore wind energy projects in the state waters near Vandenberg Space Force Base in Santa Barbara County. The anticipated timeline for this process is roughly two to three years. This decision did not approve the projects; but undertaking the environmental review will help inform any future determination whether the proposed projects are in the state's best interests.

### **Executive Order 14008 and NOAA request for comments**

On October 29, 2021, NOAA issued a Federal Register [notice](#) seeking “public input on how NOAA should use its existing authorities and associated measures to conserve and restore America’s ocean, coasts, and Great Lakes.” The notice asks for comments on eight questions that address topics including which NOAA authorities are most appropriate to use, what criteria should be used to identify areas for conservation, how NOAA should track and monitor conservation actions, and how NOAA should facilitate broad participation in conservation actions. Comments are due by December 28, 2021.

While there was insufficient time to develop responses to each of the eight questions at its meeting, the MPC notes that several of the questions are addressed in prior communications from the Council and from the Council Coordination Committee (CCC). The Council and the CCC sent letters on April 15, 2021, and March 12, 2021, respectively, to Commerce Secretary Raimondo and Interior Secretary Haaland highlighting the Magnuson-Stevens Act (MSA’s) habitat protection authorities and mandates to prevent overfishing, minimize bycatch, and rebuild stocks. The Council’s letter notes that under a recent change in the definition of MPAs, vast areas of ocean floor that are protected from bottom contact fishing activities are no longer considered MPAs and may not fit the criteria for conservation, in the context of E.O. 14008. The Council [letter](#) was included in April 2021 Briefing Book, and the CCC [letter](#) was included in the March 2021 Briefing Book.

The MPC notes the CCC’s Area-Based Subcommittee (ABM) has been working to develop a working definition of conservation and working to identify areas of conservation, recognizing that there is a gradation of conservation actions that can be used effectively by regional fishery management councils. This work will support and inform the Administration’s development of the American Conservation and Stewardship Atlas, designed to compile baseline information and track progress about how much land and water are currently conserved and restored in the U.S. Additional details of the CCC’s work in this area can be found under the Council’s November Agenda Item C.1.

The MPC **recommends** submitting the two letters along with a cover letter stating that current authorities in the MSA offer highly effective mechanisms for protecting and conserving important habitats and fish stocks. Essential fish habitat requirements, discretionary authorities, and mandates to prevent overfishing and rebuild stocks are all used effectively to ensure conservation, sustainable fishing, and healthy coastal communities.

### **Washington Coastal Marine Advisory Council and Grays Harbor Wind**

On September 24, the Washington Coastal and Marine Advisory Council (WCMAC) held a Special Information Session on the proposed Grays Harbor Wind Nagawia'Sup Offshore Wind (GHW) project. Unlike standard WCMAC meetings, there was no opportunity for public comment and WCMAC members were limited to asking questions in writing. Recordings of the meeting are available on the Department of Ecology's (WA Ecology) Committees, Boards, and Workgroups' website together with presentations and other meeting [materials](#).

The session consisted of four presentations. First, Dr. Gary Morishima, Technical Advisor for Natural Resources and Environment at the Quinault Management Center, spoke to why the Quinault Indian Nation (QIN) was considering the project and how it might fit the tribe's objectives. He explained that the QIN were pursuing an informed decision on the question using a thorough and credible evaluation based on the best available science and information, both Western and traditional/local. Dr. Morishima noted that he was uncertain about the exact process the QIN would use to consider project approval but that it would likely involve the QIN Business Committee and General Council and perhaps a formal community ballot.

Alla Weinstein, CEO of Grays Harbor Wind, spoke on behalf of GHW. The content was much the same as she gave to the MPC at our September 1 meeting. The major new development she reported was that they had just begun an informal evaluation with the Department of Defense (DOD) with the goal of achieving the required DOD Statement of Compatibility for the project. The general project area overlaps with a military training route, the Quinault Range Site, and perhaps other military activities. With the DOD evaluation underway, Ms. Weinstein was less willing to speak about specific areas than before and stated that they would not release specific site information until the evaluation was complete. She still expected the project to take place in waters deeper than 60 fathoms and to overlap with the southern areas of the QIN's usual and accustomed (U&A) fishing area. In addition to the DOD Statement of Compatibility, approval by QIN was the other major step she identified needing before submission of the lease request.

Necy Sumait and Sarah Guiltinan then presented on behalf of BOEM and spoke to their general process for considering unsolicited leases. As they have in the past, they stated that BOEM will have no official response on the specifics of the GHW project until the unsolicited lease is submitted.

For the final presentation, Casey Dennehy from WA Ecology went over the Marine Spatial Plan for Washington's Pacific Coast and how, in general, it anticipates addressing projects like GHW. Mr. Dennehy was also present at the MPC's November 10 meeting and provided an overview of the WCMAC meeting to the group. The state likewise does not have an official position but is preparing for the eventual submission of the unsolicited lease.

The next regular WCMAC meeting will be held in early to mid-December 2021. The GHW project is anticipated to be part of the agenda. The MPC learned of the recent passing of the WCMAC Chair, Mayor Crystal Dingler of Ocean Shores. The MPC offers its condolences.

After hearing a summary of the WCMAC meeting, the MPC had a short discussion of Grays Harbor Wind and Washington marine planning efforts and offers the following comments:

First, any developments off Washington should follow BOEM's own guidelines and protocols as described in the Data Gathering and [Engagement Plan](#) for Offshore Wind Energy in Oregon for the direct grassroots engagement of stakeholders, specifically with the fishing industry and communities. Per BOEM's Competitive Leasing Process, and especially through more detailed conversations with BOEM staff, these protocols also speak specifically to a multi-layered environmental review that includes NEPA and other comprehensive analyses are inclusive of fishery and community impacts.

Second, because Washington has not requested establishment of an intergovernmental task force, it is our understanding that BOEM is not set up to process solicited competitive bids off the Washington Coast. The MPC is concerned that the present unsolicited bid effort would not be subject to the same rigorous review that would be required for projects that go through the competitive bidding process. In addition, by considering a stand-alone lease application, it precludes evaluation of a broader set of potential sites to determine which areas may have lower impact. As we understand from BOEM staff discussions, while it is not the exact same stepwise process as that for solicited bids; unsolicited bids follow a parallel process to achieve a similar stringent environmental analysis. It would help allay our concerns if BOEM were to confirm this is indeed the case for the unsolicited bid process. It would be helpful to have a better understanding of the review steps for unsolicited bids, the specific inflection points that trigger these reviews, and the name of each review, or review process. This information will be helpful to understand the process for other unsolicited bids that may occur off Washington or other states.

Lastly, we would like to thank WCMAC and WDFW for their quick response and attention to the effort being made to put forward this unsolicited bid for offshore wind development in the Quinault U&A.

### **California Fishing Grounds Mapping Projects**

The Humboldt Fishermen's Marketing Association, in collaboration with two other Northern California fishermen's associations, are creating map products that will characterize the ocean fishing grounds west of the California coastal counties of Del Norte, Humboldt and Mendocino for the purpose of defining areas of importance to coastal fishing communities relying on the economic contribution from local fishing fleets. Parameters will include species/species complexes, gear type, fishing area by depth, seafloor substrate, and season. Fishermen are using their knowledge to mark known fishing grounds on nautical charts. Summary results will be made public and presented in an electronic GIS format; however, information from individual fishermen will remain confidential. This project is being funded by California's Ocean Protection Council (OPC) and should be completed in the near future.

A similar mapping effort is being initiated for California's Central Coast. Led by the Morro Bay Commercial Fishermen's Organization and the Port San Luis Commercial Fishermen's Association, the mapping efforts will cover all state and Federal waters between Point Sur to Point Conception. This project is being largely funded by the fishing organizations with partial funding from the OPC. Completion of the project is expected in late March.

This mapping project will help establish an accurate baseline of past and current fishing fleet activities for use by BOEM, the California Coastal, State Lands, and Energy Commissions as they assess the impacts of OSW development on California fisheries.

### **California Department of Fish and Wildlife Stakeholder Outreach Meetings**

On November 3 and 4, 2021, staff from the California Department of Fish and Wildlife (CDFW), California Coastal Commission (Commission), California Energy Commission (CEC) and the State Lands Commission (CA-SLC) met in person with commercial fishermen in Crescent City, Eureka, and Fort Bragg to discuss and provide the latest information on offshore wind energy leasing and development off the coast of Northern California. Staff from BOEM participated remotely. During the meeting, an emphasis was placed on providing information on the Commission's upcoming federal consistency determination review for the Humboldt Wind Energy Area and understanding fishermen's general concerns regarding offshore wind development. CDFW, which organized these meetings, will be organizing similar meetings to be held in Central California at the end of November and additional meetings in Northern California in early 2022. COVID-19 protocols made it challenging to organize large in-person meetings. Consequently, CDFW is also looking at hosting virtual meetings to supplement in-person meetings. Questions regarding any of these meeting should be directed to Chris Potter or Brian Owens at CDFW.

### **Research Priorities and Funding Update**

Mr. Jeremy Potter, of BOEM, described research projects awarded approximately \$13.5 Million for offshore wind related research in Fiscal Year 2022. Two West Coast research projects were awarded funding. Oregon State University was awarded \$2 Million for visual survey and acoustic monitoring of marine mammals and seabirds, and Woods Hole Oceanographic Institution was awarded \$750K for development of autonomous robotic technology for environmental monitoring.

On November 11, 2021, BOEM requested ideas related to development of energy and mineral resources research. BOEM is beginning to formulate its Fiscal Year 2023-2024 Studies Development Plan covering all BOEM energy and minerals activities, and issued a [notice](#) inviting study ideas for consideration in Alaska, Atlantic, Gulf of Mexico, and Pacific outer continental shelf areas. Study ideas must be relevant to BOEM's information requirements in the areas of biological, oceanographic (physical and chemical), traditional knowledge, and social sciences (including economic and cultural research). Comments are due December 10, 2021.

The MPC **recommends** sharing OSW-related research priorities that are included in the Council's Research and Data Needs [document](#). These could include (but are not limited to) 1) evaluating the response of habitat to spatial closures (pg. 7); 2) improving data on the location of catch and effort for commercial and recreational fisheries (pg. 21); and 3) gathering baseline information of fisheries and habitat resources at the initial stages of offshore energy development projects (pg. 46).



The MPC also **recommends** that BOEM consider potential impacts to habitat and fisheries that are identified in three recent Council letters: An October 14, 2021, [letter](#) to BOEM on Oil and Gas Decommissioning, a September 13, 2021, [letter](#) to BOEM on Morro Bay Call Area, and a September 13, 2021, [letter](#) on the Humboldt Bay Wind Energy Area. The Council should emphasize the importance of cumulative effects analyses in planning related to offshore renewable energy facilities.

**Upcoming Events and Deadlines**

11/18/2021	Comments due on Draft Data Gathering and Engagement Summary Report
12/8, 12/13/2021	Public listening sessions for proposed Chumash National Marine Sanctuary
12/10/2021	Comment deadline on BOEM research priorities
12/28/2021	EO 14008 "America the Beautiful" NOAA comment period
1/6/2022	Public listening sessions for proposed Chumash National Marine Sanctuary
1/11/2022	Comments due on Morro Bay Wind Energy Area
January TBD	BOEM-Oregon Task Force Meeting
1/25/2022	Comments on Port Access Route Study due
Mar 28-30, 2022	Pacific Offshore Wind Summit, San Francisco

The MPC appreciates Council consideration of our comments and recommendations.

PFMC  
11/16/21