

## AD HOC MARINE PLANNING COMMITTEE REPORT

The Pacific Fishery Management Council’s (Council) Ad Hoc Marine Planning Committee (MPC) met online February 1, 2022 to consider several marine planning issues, including offshore wind (OSW) energy, National Oceanic and Atmospheric Administration (NOAA) Aquaculture Opportunity Areas (AOA), the America the Beautiful Initiative, and the development of Council policy documents. This report summarizes information and activities relevant to the Council’s involvement and interest in marine planning activities, especially related to OSW planning and development, and AOA planning and individual project development.

### **Offshore Wind Energy - Bureau of Ocean Energy Management update**

At the February MPC meeting, Necy Sumait and Rick Yarde, with the Bureau of Ocean Energy Management (BOEM), provided the (MPC) a brief update about BOEM West Coast activities.

### Oregon

BOEM published its 97-page [data gathering and summary report](#) for Oregon Offshore Wind Energy Planning. BOEM’s report summarized the comments from its various meetings on the West Coast. At least seven of the “ocean user” meetings were with the Council and/or some of its advisory bodies. Some MPC members furnished independent written comments to BOEM regarding this document.

**Table 1. BOEM outreach/engagement summary for Oregon offshore wind planning, from BOEM data gathering and summary report.**

| <b>Participants</b>         | <b>Number of meetings</b> |
|-----------------------------|---------------------------|
| Coastal Community           | 14                        |
| Ocean Users                 | 23                        |
| Industry                    | 8                         |
| Elected Officials           | 13                        |
| Tribes                      | 3                         |
| Environmental Organizations | 7                         |
| Research Organizations      | 4                         |
| General Public              | 3                         |
| <b>Total:</b>               | <b>75</b>                 |

The BOEM Oregon Intergovernmental Renewable Energy [Task Force](#) (Task Force) will meet February 25 to announce proposed Oregon OSW Call Areas. Ms. Sumait confirmed that a slide deck of BOEM presentations, which will include the introduction and delineation of the proposed areas, will be posted to the Task Force website prior to the meeting. After the proposed areas are finalized, BOEM will publish a Call for Information and Nominations in a Federal Register notice, essentially the first step in a formal offshore wind leasing process.

Related to the announcement of proposed Call Areas of Oregon, the Council is holding a [meeting](#) 1 p.m. to 5 p.m. Friday, March 4, 2022. The meeting will be co-hosted by BOEM, to further describe and discuss the Call Areas and take public comment. The primary audience is fishery sector participants and stakeholders that operate in Oregon, particularly in the Oregon offshore wind planning area. However, the meeting is open to the public and will be recorded.

### California

The scoping process for the Morro Bay wind energy area (WEA) draft environmental assessment (EA) ended on January 11 and BOEM plans to finalize the EA this spring. The Council submitted a letter to BOEM on the draft EA; it can be found on the [Council's website](#). Again, several MPC members submitted independent written comments for this docket.

The draft [Environmental Assessment for the Northern California/Humboldt WEA](#) was recently released, with comments due by February 10, 2022. The MPC was in the process of reviewing draft comments for Council approval during the quick response process prior to the deadline, which will have passed by the time this report is in the Briefing Book. The final [letter](#) is available on the Council's website. Some MPC members noted that many in the fishing community expressed concerns at the BOEM Humboldt EA webinars on January 25 and 26, 2022, that outreach to the Northern California seafood industry failed to reach many prominent fishermen and processors. The MPC encourages continued efforts by BOEM to engage with stakeholders, especially at the local and individual level.

Mr. Yarde noted the following sections of the EA might be of particular interest to the MPC and other Council advisory bodies:

- Commercial fishing: Section 3.7
- Marine mammals and sea turtles: Section 3.5
- Birds: Section 3.6
- Cultural resources: Sections 3.8 to 3.12 (The MPC notes this includes the socio-economic section, 3.9)

Ms. Sumait said that once the Morro Bay and Humboldt EAs are finalized, BOEM plans to issue a combined proposed sale notice for both areas, with a lease auction likely in fall 2022.

MPC members had a lengthy question-and-answer session with Ms. Sumait and Mr. Yarde. Some of the comments, questions, and answers are summarized here:

1. Is the Humboldt EA limited to the site assessment plan (SAP), during which time potential developers will conduct surveys of the WEAs to determine whether to propose a lease? Ms. Sumait said BOEM will consider the comments as they relate to the EA. Mr. Yarde noted that

comments will become part of the public record and will be used to determine whether BOEM needs to add or clarify anything identified in the draft EA prior to its finalization. However, comments including those related to other alternatives, such as a “no action” alternative, may be provided during public comment periods.

BOEM said comments received during scoping periods are usually posted in the docket on the [regulations.gov](https://www.regulations.gov) comment submittal page and responses are reflected in the finalized EA when it is published. In some cases, a comment summary may also be posted. During the preparation of an EIS, comment summaries and responses are typically provided in an Appendix.

2. The Draft EA for Humboldt excludes other ports or port complexes besides Eureka. Therefore, how were fisheries that operate within the WEA but deliver to other ports accounted for in the EA? The EA considered primarily stock complexes within those areas, but the fishery-specific kinds of details will be considered later, throughout the rest of the BOEM process. Once BOEM has a lease with a developer, that company cannot construct anything, just submit plans for BOEM approval. At that time, a more comprehensive environmental impact statement will be conducted. The details process of the EIS and other environmental review tools seem not to have been published for public review.
3. Some MPC members expressed concerns that the BOEM National Environmental Policy Act (NEPA) process sets up a dynamic where, by the time a lessee spends time and money to do all the survey work and submit a construction and operations plan (COP), a “no action” and/or “conflict avoidance” alternative as part of the EA and/or EIS is unlikely to be actualized. Furthermore, existing ocean users tend to be more focused on the final project, not the iterative, short-term analysis and site assessment plans. The BOEM process is a very long process, with a five- to 10-year interval from the designation of a WEA to a full construction plan. The long engagement will allow sufficient analysis to refine what areas are most suitable for development but may create impacts to fishermen. The lessee(s) must continue to do surveys and site assessments under the purview of BOEM throughout the process. It is not clear to BOEM what developers’ plans include until they submit COPs, but lessees *are* required to establish communication/engagement with fishermen during the process. MPC members noted that without standards or terms of reference as to procedures for engagement, this process is confusing and could be markedly different from one lease area to another or from one company to another.
4. BOEM is trying to coordinate with NOAA at all levels, noting the recent [Memorandum of Understanding between NOAA and BOEM](#). However, BOEM is the designated “action” agency, which makes BOEM responsible for all decisions regarding siting, construction, and environmental review. Site plans and information for specific lease areas completed by the lessee(s) should be made available to the public.

MPC members also discussed the necessity that cumulative impacts be addressed, including the total scope of how many wind farms will be constructed and their siting. The BOEM process also must include an analysis of the localized cumulative effects of the proposed actions, i.e., the assumption that an entire individual WEA will be filled with offshore wind turbines and associated anchors, energy substations and transmission cables and their effects

on the seafood industry, other ocean users, and coastal communities. These are considered “reasonably foreseeable impacts” and required to be analyzed under NEPA.

The MPC thanks Ms. Sumait and Mr. Yarde for their time in joining us and providing updated information on OSW planning activities.

### **NOAA Aquaculture Opportunity Areas**

The MPC received a presentation and update on status of the AOA off the southern California coast from Diane Windham, California Aquaculture Coordinator for the National Marine Fisheries Service (NMFS) West Coast Region and Ken Riley, Marine Ecologist with NOAA’s National Centers for Coastal Ocean Science. The MPC thanks Diane and Ken for a thorough and thoughtful presentation and discussion.

[Executive Order 13921](#) (EO) provided the impetus for AOA development. Section 7 of the EO required the Secretary of Commerce to “*identify at least two geographic areas containing locations suitable for commercial aquaculture and, within 2 years of identifying each area, complete a programmatic EIS for each area to assess the impact of siting aquaculture facilities there*”. On August 20, 2020, federal waters off Southern California and in the Gulf of Mexico were chosen first based on potential to host sustainable commercial aquaculture

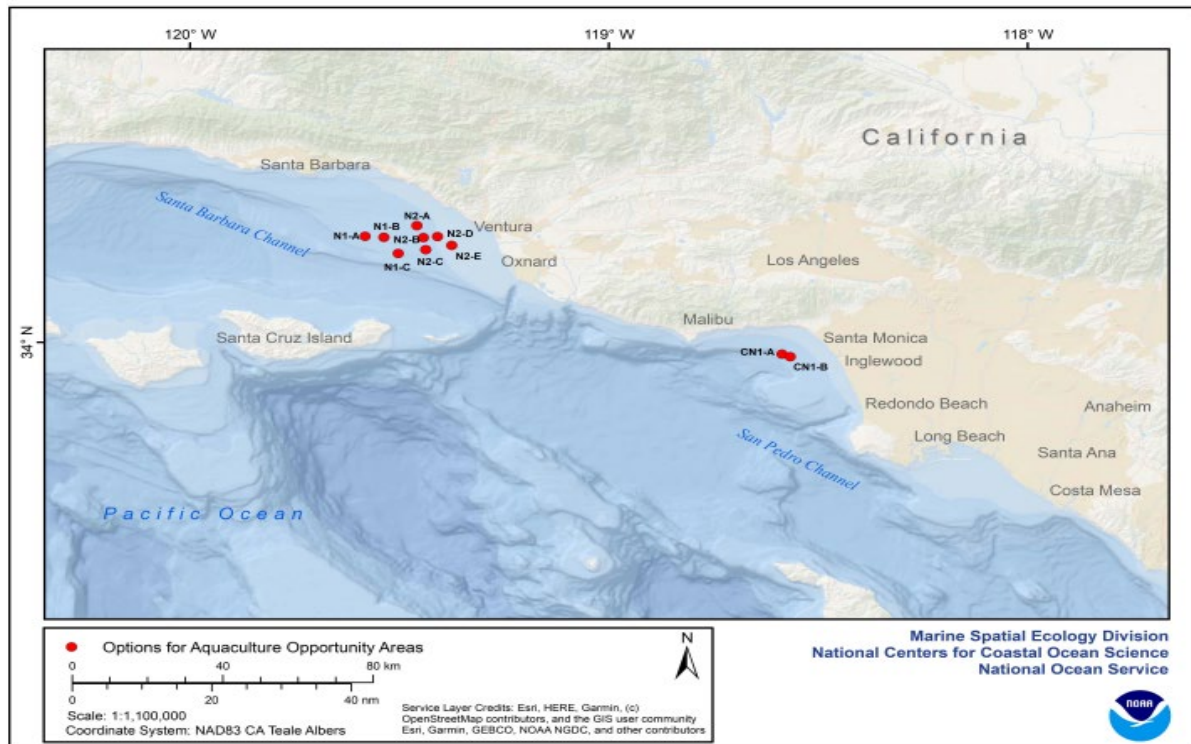
In November 2021, the National Centers for Coastal Ocean Science published two Atlases that compile the best available science to inform the identification of AOAs in the Gulf of Mexico and the Southern California Bight. The [Atlas for the Southern California Bight](#) identified 10 discrete areas that have “the highest potential to support three to five marine aquaculture operations, while also reducing conflicts with other ocean uses”. The operations contemplated could include facilities to propagate shellfish, marine algae and/or finfish.

The Atlas incorporated 203 data layers, including fishing, in performing a suitability analysis. Certain areas, such as anchorages or areas deemed important to National Security by the Department of Defense, were deemed unsuitable and removed from consideration. The end result is the Atlas identifies eight different areas off the Santa Barbara/Ventura coast and two off Santa Monica (see figure below).

The Atlas goes to great length to explain the datasets utilized and the rationale used in coming up with these options. It bears noting that aquaculture operations can be proposed in areas outside of the ten areas specifically identified. A number of such projects were proposed before the issuance of the Atlas. For example, Ocean Rainforest, Pacific Ocean Aquafarms, Avalon Aquafarms, etc.

Next steps include starting the NEPA process with the goal to develop a Programmatic Environmental Impact Statement (EIS). The first step in this process is the publication in the Federal Register of a Notice of Intent (NOI) to Prepare a Programmatic EIS. While these are normally subject to a 30-day public comment period, NOAA is expecting to allow a 60-day public comment period. It is likely the NOI will be seeking comments on a wide range of issues that will help inform scoping. Virtual scoping sessions will be held to foster public participation and engagement. **The MPC encourages the Council’s Advisory Bodies to prepare to develop comments and recommendations on the NOI, and to familiarize themselves with the AOA**

**Atlas.** NOAA also intends to have the comment period coincide with the Council schedule to allow for Council discussion and deliberation.



### PFMC Policy Documents

As directed by the Council at the November 2021, the MPC coordinated with the Ecosystem Workgroup (EWG) and Habitat Committee (HC) to develop draft policy guidance on offshore development projects that may affect fisheries, habitats, coastal communities, or important ongoing activities. The MPC and the HC worked with Council staff to develop two draft guidance documents on fisheries and community effects and habitat effects (Agenda Item C.2.a, MPC Report 2 and Agenda Item C.2.a, HC Report 1). The EWG has been developing a stand-alone similar document that provides guidance to other agencies authorizing or conducting non-fishing activities, with an updated draft of the EWG document is included as Agenda Item C.2.a, EWG Report 1. The intent of these documents is to consolidate and clarify Council expectations related to offshore development activities, with a focus on offshore wind energy planning and development. These documents would provide more detail than a typical policy statement. However, they would be similar in scope to the New England Fishery Management Council [Offshore Wind Energy Policy](#), as well as numerous [letters](#) that the Council has sent to agencies on offshore development activities. These draft documents could be merged into a single integrated document. The MPC recognizes there is overlap among the draft documents and seeks guidance from the Council on moving forward:

- Should the EWG document serve as a broad statement of Council policy, with the fisheries and habitat documents providing more specific guidance for developers and agencies?
- Should social and economic impacts be captured in a separate document, or incorporated into the fisheries document?

- Should these documents be considered static items that could be sent, with a cover letter, to agencies? Or should they serve as a menu from which Advisory Bodies or Council staff could pull specific sections out for incorporation into a separate document?

The MPC looks forward to Council guidance on how to proceed.

### **America the Beautiful Initiative request for comments on development of the American Conservation and Stewardship Atlas**

The Biden Administration’s America the Beautiful [Initiative](#) is a cross-agency effort “to develop initial recommendations on how to advance an inclusive and collaborative conservation vision” and is called for in Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*. The initiative is led by the Department of the Interior (DOI), partnered with the Departments of Agriculture and Commerce (DOC), NOAA, and the White House Council on Environmental Quality. The Council has previously commented on various aspects of EO 14008 in a letter to DOI and DOC in [April 2021](#), a [letter](#) to NMFS in May 2021, a [December 2021](#) response to a NOAA-specific request for comments, and via the Council Coordination Committee in a March 2021 [letter](#).

In January 2021, DOI issued a Federal Register [Notice](#) requesting comments on development of the Conservation and Stewardship Atlas (Atlas), with a comment deadline of March 7, 2022. The MPC is aware that the Council may have submitted comments. **The MPC encourages the Council and other Advisory Bodies to remain engaged as the Atlas is developed**, as well as with other elements called for in EO 14008. This is especially important as it relates to considering Council conservation management measures that protect and conserve marine resources, minimize bycatch of marine species, protect important forage fish, and implement Fishery Ecosystem Plan initiatives.

### **Upcoming Events and Comment Opportunities**

- February 25 BOEM-Oregon Task Force [meeting](#) to present proposed OR Call Areas
- March 4 MPC/BOEM [meeting](#)
- March Council [meeting](#) March 9 - 14 (Advisory Bodies start March 8; the MPC is not scheduled to convene)
- Pacific Offshore Wind [Summit](#), March 28-30, San Francisco
- United States Department of Energy [Request for Information](#) on Social Science Research Needs
- Oregon Department of Energy [public meetings](#) and comment opportunity for Floating Offshore Wind Study

PFMC  
2/28/22