



## Pacific Fishery Management Council

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Marc Gorelnik, Chair | Merrick J. Burden, Executive Director

6 May, 2022

Ms. Janet Coit, Assistant Administrator  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910

Ms. Amanda Lefton, Director  
Bureau of Ocean Energy Management  
1849 C Street, NW  
Washington, D.C. 20240

Dear Ms. Coit and Ms. Lefton:

The Pacific Fishery Management Council (Pacific Council, Council) has reviewed the *NOAA Fisheries and BOEM Federal Survey Mitigation Implementation Strategy – Northeast U.S. Region* (Draft Strategy) and provides these comments in response to the Request for Comments. The Pacific Council is one of eight Regional Fishery Management Councils established by the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The Council is charged with sustainably managing West Coast fisheries and the habitats upon which they depend and develops fisheries management actions for Federal fisheries off the United States West Coast.

The Council commends the Bureau of Ocean Energy Management (BOEM) and the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) on the development of the Draft Strategy to address anticipated impacts from offshore wind energy (OSW) development on scientific surveys in the northeast and look forward to engagement in the development of a similar document for the Pacific region. We are extremely concerned about the potential impacts on scientific surveys, including both NOAA surveys and a host of other scientific surveys conducted by state agencies, universities, and others, which are critical to our mission of sustainable fisheries management. We also feel that, while this Atlantic strategy may serve as a model as the NOAA website indicates, a separate and significant strategy development process is necessary for the Pacific coast. We offer the following comments on the Draft Strategy.

The MSA includes 10 National Standards (NS)<sup>1</sup> that must be followed in the development and implementation of fishery management plans (FMPs) to ensure sustainable and responsible fisheries management. We highlight three of the NS that are particularly relevant to the development and potential impacts related to OSW development to scientific surveys:

- Optimum Yield (NS1): "Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield (OY) from each fishery for the

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<sup>1</sup> <https://www.fisheries.noaa.gov/national/laws-and-policies/national-standard-guidelines>

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U.S. fishing industry.” OY is defined as “...a decisional mechanism for resolving the Magnuson-Stevens Act's conservation and management objectives, achieving an FMP's objectives, and balancing the various interests that comprise the greatest overall benefits to the Nation.”

- Scientific Information (NS2): “Conservation and management measures shall be based upon the best scientific information available.” This includes the need for high quality and timely biological, ecological, environmental, economic, and sociological scientific information to effectively conserve and manage living marine resources. And further requires evaluation of the potential impact that conservation and management measures will have on living marine resources, essential fish habitat (EFH), marine ecosystems, fisheries participants, fishing communities, and the nation.
- Communities (NS8): “Conservation and management measures shall, consistent with the conservation requirements of the Magnuson-Stevens Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities by utilizing economic and social data that are based upon the best scientific information available in order to (1) Provide for the sustained participation of such communities; and (2) To the extent practicable, minimize adverse economic impacts on such communities.”

The Council is highly dependent on scientific surveys to ensure accurate, credible information on which to base management decisions. Fisheries science in particular is subject to a high degree of uncertainty and requires adaptive management with regularly conducted surveys and assessments to ensure sustainable management of fisheries and habitat resources. When surveys are unable to operate as planned, the Council may be required to address the added uncertainty by adopting more precautionary harvest guidelines and management measures that protect fish stocks, habitats, and the marine ecosystem. These precautionary management measures may come with a possible cost of foregone harvest opportunities. As stated in the Draft Strategy, “*the greater uncertainty in the science, the more restrictive the management measures.*”

Any strategy, however, should not only consider impacts to scientific surveys, but impacts to data generated from fishing activities (fishery dependent data) and to the fisheries themselves. In addition to direct impacts to the fisheries (greater uncertainty equals lower allowable harvest), there are potential secondary impacts as well. For example, there are numerous constraining species such as Endangered Species Act (ESA)-listed species, protected marine mammals and seabirds, and fish stocks with restrictive harvest limits. Fishermen carefully avoid these species in choosing where, when, and how to fish, and they depend on the information generated by scientific surveys to guide their decisions. Greater scientific uncertainty results in great risk of such interactions and will cause fishery participants to take even more precautions.

For all potential impacts to fisheries, fish stocks, habitat, and ecosystem resources, the Council prioritizes avoidance of such impacts as a primary goal for agencies and industries undertaking non-fishing activities that may impact important fisheries activities and habitats. Only when impacts are unavoidable should minimization and mitigation measures be pursued. The Draft Strategy lists five goals, beginning with the goal of mitigating impacts. **We suggest that the first**

**goal should be to avoid impacts whenever practicable.** In cases where impacts to scientific surveys and fisheries are unavoidable, there should be early and significant engagement to ensure the goal of minimizing impacts is achieved.

The Draft Strategy states that “*For offshore wind developments with approved Construction and Operations Plans (COPs), the opportunity to avoid impacts has passed...[but] for developments without COPs and for new lease areas, there is opportunity to avoid or minimize the impacts for NOAA Fisheries surveys.*” The Pacific Council considers the potential impacts to surveys and fishery-dependent data collection matters of great urgency. Based on the Draft Strategy’s statement, it is imperative to begin development of a separate *West Coast Strategy* as soon as possible. We cannot afford to lose the opportunity to avoid impacts early in the process. We encourage BOEM to address the concerns of NMFS, the Council, and others, and before approving COPs to avoid survey impacts. **This requirement should be included in lease stipulations in Proposed Sale Notices for OSW lease sales**, so that OSW developers have an incentive to avoid impacts to scientific surveys and fishery-dependent data collection.

International and Government-to-Government agreements with foreign nations and with Native American Tribes depend on scientific surveys to determine harvest specifications. Disruptions to these surveys could negatively impact the implementation of such agreements. **The Council recommends that BOEM give special consideration to the potential impacts of OSW on scientific surveys that are crucial to international or Tribal agreements as well as those surveys that address nearshore, state-managed stocks that are likely to occur in areas where wind turbines may be placed.**

The Draft Strategy describes numerous objectives and actions that will require substantial agency resources. These objectives and actions are critical for the continuity of surveys that are impacted by OSW development, and without concerted efforts to avoid and mitigate impacts, the value of those surveys could be lost. The Draft Strategy’s Objective 1.2 describes the need to identify funding gaps and resources needed to implement key Objectives and Actions. **The Council urges BOEM and NOAA Fisheries to ensure necessary resources are secured.**

Action 3.2.1 calls for completion of a “Synthesis of the Science” report based on an October 2020 workshop. Action 5.2.1 calls for completion of a document entitled “*Principles and Best Practices for Developing Regional Survey Mitigation Implementation Strategies and Program Plans.*” The Council fully supports both these efforts and is willing to assist in development of the Principles and Practices document.

In summary, we re-iterate the critical role of scientific surveys in fisheries management decisions developed by the Council. The following points summarize our recommendations regarding the Draft Strategy.

- Ensure that whatever strategy is selected for the Northeast takes into consideration the broader implications that may affect separate strategy development in other regions
- Include a goal to avoid impacts first, before identifying minimization and mitigation measures
- Require lessees to work with NMFS on proposed COPs to avoid survey impacts early, and definitely prior to final approval of COPs

- Give special consideration to the potential impacts of OSW on scientific surveys that are crucial to international or Tribal agreements as well as those surveys that address nearshore, state-managed stocks
- We urge BOEM and NOAA Fisheries to ensure necessary resources are secured for implementation of the Strategy
- Complete the documents described in Actions 3.2.1 and 5.2.1

Thank you for considering the comments of the Pacific Council. Please do not hesitate to contact Mr. Kerry Griffin ([Kerry.griffin@noaa.gov](mailto:Kerry.griffin@noaa.gov)) on Council staff with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Gorelnik". The signature is fluid and cursive, with the first name "Marc" being more prominent than the last name "Gorelnik".

Marc Gorelnik  
Chairman

KFG/acl