

## HABITAT COMMITTEE REPORT ON MARINE PLANNING

### **California Coastal Zone Management Act Decision on Wind Energy Areas**

A critical step in the Federal regulatory process for offshore wind (OSW) is that the Bureau of Ocean Energy Management (BOEM) must demonstrate that the activity is consistent with the state's Federally-approved Coastal Zone Management Program and the state's enforceable policies. BOEM submitted a determination of consistency (CD) for the Humboldt Wind Energy Area (WEA) for the site characterization and site assessment activities phase of the process. In its review of BOEM's CD, the California Coastal Commission (CCC) concluded that because it is reasonably foreseeable that OSW leases will lead to construction and operation of OSW facilities, it is also reasonable to expect that potential related impacts on coastal resources should also be described and analyzed for consistency to the extent possible. The CCC issued a conditional concurrence (i.e., approval) for the activities provided the following conditions are met:

1. Coordinated survey plans including marine wildlife protection and monitoring measures, spill plans, at-sea curtailment plan, anchoring plan
2. No bottom contact with hard substrate or coral/sponge habitat, and include buffer that fully protects these habitats
3. Minimize risk of vessel strike
4. Ensure safe navigation
5. Engagement with local communities
6. Engagement with tribes
7. To address impacts to fishing and fishing communities, lessees must have a fisheries liaison and develop a working group involving fishing industry and state and Federal agencies

As noted in the Marine Planning Committee (MPC) Supplemental Report, on June 8, 2022 the CCC discussed the Morro Bay WEA CD and the CCC staff report. The CCC approved the CD unanimously and applied the same rationale and conditions in their concurrence decision as the recent Humboldt WEA CD.

### **California Offshore Wind Public Sale Notice**

On a related topic, the Habitat Committee (HC) supports the Council drafting a letter on the California Offshore Wind Public Sale Notice as mentioned in the MPC Supplemental Report and the HC is prepared to assist.

### **Oregon Call Areas**

The HC discussed the Council's draft comment letter to BOEM on Oregon Offshore Wind Call Areas. The MPC's well-developed letter provides the necessary background information, and details the Council's specific concerns with the current BOEM process necessary for an initial understanding of the potential impacts of developing OSW facilities. The HC has additional edits for consideration, noted below. In addition, the HC anticipates providing a track-changes version of the letter to Council staff.

- Information needs and impact assessment needs regarding the fishery resources itself (i.e., fished species) need further development.

- The recommendation for a comprehensive suitability analysis would be better termed “geospatial compatibility” analysis to better capture the intent, which is that the analysis consider the compatibility of OSW with existing ecological resources and uses.
- The recommendation for a comprehensive cumulative impacts assessment should explain the need for a cumulative effects analysis of the activities associated with each phase of BOEM’s process, in addition to impacts from construction/operation of multiple wind farms.

### **Offshore Development Guidance Document**

The HC previously provided some recommended edits for consideration in the Guidance Document which are included in the Supplemental MPC Report (C.3.a, Supplemental MPC Report 1). During the HC meeting discussion of this agenda item, the HC identified additional issues for consideration. These are briefly summarized as follows:

- Add a scope section that explains that this guidance document is a “living document” and is currently primarily focused on OSW. While many of the issues identified apply to other ocean industries (e.g., aquaculture, oil-rig decommissioning), there are other issues specific to those industries not identified in this document that should be added later.
- The stated Objectives do not speak directly to the Purpose statement of the Guidance Document, but rather are the Council’s fisheries management responsibilities. The Objectives header should be moved to the third paragraph that begins with “The intent of this guidance is to...” and the Council’s management responsibilities should be labeled as such.
- Consistent with the Magnuson-Stevens Fishery Conservation and Management Act, correct the term “fishery resources” throughout the document to clarify that this term means “fished species” to distinguish from impacts to the fishing community.
- Additional clean-up of recommendations that are either conflicting or redundant that can be addressed in a next draft, such as buffering habitat areas of particular concern (HAPC) vs. explicitly avoiding HAPCs with the placement of WEAs and lease sales, and clean-up of essential fish habitat (EFH) language regarding methane seeps.
- Include discussion of issues that affect shoreline and estuarine habitats from offshore industry activities, such as expansion of port facilities for assembly, transport and maintenance of OSW structures.

### **NOAA Aquaculture Opportunity Areas**

The National Oceanic and Atmospheric Administration (NOAA) has requested input on potential impacts to EFH in its Notice of Intent to prepare a Programmatic Environmental Impact Statement on offshore aquaculture opportunity areas (AOAs). The public comment period ends July 22, 2022.

The MPC recommended that the HC and MPC collaborate on a comment letter for Council consideration via the quick response procedure after the June meeting, focusing on potential habitat and fishery impacts, and on any missing or incorrect elements in the AOA Atlas for Southern California. The HC agreed to collaborate with the MPC on a quick response letter.