

## MARINE PLANNING COMMITTEE REPORT ON MARINE PLANNING ISSUES

The Pacific Fishery Management Council's (Council) Marine Planning Committee (MPC) met on May 24, 2022, to consider marine planning items on the Council's June meeting agenda. The MPC discussed offshore wind energy planning, National Oceanic and Atmospheric Administration (NOAA) Aquaculture Opportunity Areas (AOA), proposed offshore development guidance, and other topics. The MPC provides a summary of items discussed at the May 24<sup>th</sup> meeting, a list of current and upcoming events, and comments on draft documents in the June Briefing Book.

### **Offshore Wind Energy**

The MPC received an overview of Bureau of Ocean Energy Management (BOEM) California and Oregon updates from Ms. Necy Sumait, Mr. Rick Yarde, and Dr. Whitney Hauer. The MPC thanks BOEM staff for their continued interest in helping the MPC understand the BOEM offshore wind leasing process and project updates.

#### *California*

Ms. Sumait noted BOEM issued the final [Environmental Assessment \(EA\) for the Humboldt Wind Energy Area \(WEA\)](#) and Finding of No Significant Impacts on May 5, 2022. The Council submitted a comment letter, which can be found along with other letters on the Council's [Correspondence webpage](#). The California Coastal Commission (CCC) granted a conditional [concurrence determination](#) on April 7, 2022. The [Staff Report](#) and [Addendum to that Report](#) outline those conditions. The Morro Bay Draft EA public comment period closed on May 16, 2022. BOEM expects a final EA will be released soon, but not before the Proposed Sale Notice for both areas, which was issued May 31, 2022.

The fifth BOEM California Intergovernmental Renewable Energy Task Force was expected to [meet on June 3, 2022](#). The primary purpose of the meeting was to discuss the May 31 [Proposed Sale Notice](#) (PSN) for leases off Humboldt and Morro Bay. More information on the PSN, including maps of the five individual proposed leases can be found on the BOEM California Activities [website](#). The PSN includes a public comment period which closes on August 1, 2022. The MPC **recommends** developing comments on the California PSN via the Council's quick response process.

In addition to the above, the Coastal Commission will be considering a Consistency Determination request from BOEM regarding leasing within the Morro Bay WEA when it meets on June 8, 2022. The [Staff Report](#) for that Agenda item is now available.

On May 18 the California Energy Commission (CEC) hosted a workshop to present a draft report including staff's proposed findings and recommendations addressing the requirements of Assembly Bill 525 (AB 525, Chiu, Chapter 231, Statutes of 2021) for the CEC to evaluate and quantify the maximum feasible capacity of offshore wind and establish offshore wind planning goals for 2030 and 2045, by June 1, 2022.

#### *Oregon*

Dr. Whitney Hauer addressed the Oregon Call Areas that were published April 28, 2022, in the *Federal Register* (FR). The FR notice and information on the [BOEM Oregon activities](#) website contain information and charts related to the Oregon call areas; the public comment deadline is June 28. A draft letter was included in the Council's advanced briefing book and the MPC expects other Council advisory bodies (ABs) to suggest changes to the draft letter in time for Council review at its June meeting (see comments below).

Dr. Hauer noted several seafloor conditions descriptions were extracted from the OROWindMap database/website, including layers for corals and sponges, Dungeness crab, albacore, and pink shrimp fishing, additional fishing information layers, and more. The URLs for those maps are included in the PowerPoint [presentation](#). She also spoke to the maps that show the slopes of some offshore areas that may be challenging to wind energy developers due to the steepness of the slope. Dr. Hauer said a document detailing how to include URLs for user-generated OROWindMap data, helpful to illustrate public comments relative to fishing activity, for example, is available at: <https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/OROWindMapPublicComments.pdf>. The public comment portal for the Oregon Call Areas is currently open on Regulations.gov ([docket BOEM-2022-0009](#)) and all public comments are posted to the docket as they are received.

During the May 24<sup>th</sup> meeting, MPC members noted high concentrations of fishing activity in the Oregon call areas off both Coos Bay and Brookings. The whiting fleets, in particular, were utilizing both areas consistently during the month. Establishing offshore wind farms in these areas in the future would displace these fleets from the fishing grounds and increase their operational costs to fish elsewhere.

MPC members also requested clarification about how the Call Areas would be winnowed down to WEAs and whether the WEAs would be limited to an expected 3 Gigawatts (GW) of offshore wind potential (the magnitude of the Call Areas could represent roughly 14 GW). Dr. Hauer said the WEAs would be established with an objective of 3 GW capacity, in line with state goals determined through the Oregon Task Force process, current transmission line/electric grid availability, and in House Bill 3375. WEAs representing greater than 3 GW may be established, that could be narrowed down further, after the WEAs are finalized and after the environmental analyses for site preparation and construction and operations plans are completed. BOEM has not decided on a final size for the WEAs, even though BOEM is asking interested developers to target projects to achieve a total of 3 GW. MPC members noted it is difficult to provide comprehensive comments to BOEM on how to reduce the size and scope of the Call Areas to WEAs when there is no size established as a target. WEAs could be reduced further in the future upon discovery of environmental concerns during the analyses. However, the process to reduce the Call Areas to WEAs is not designed to reach a specific GW goal; rather, it is to identify areas most suitable to support offshore wind.

In a similar vein, MPC members questioned whether offshore wind (OSW) development could be moved deeper than 1300 m, as was recently proposed for two areas on the Central Atlantic coast (call areas E and F, at 2500-2600 m, see: <https://www.boem.gov/renewable-energy/state-activities/central-atlantic-activities>). BOEM representatives said a new Call would likely have to be issued, since the original planning area along the Oregon Coast was in Federal waters to a depth

of 1300 m. At the same time, the current call for information requests that developers provide information for consideration of placing turbines in deeper waters in the future. BOEM simply provides access to the outer continental shelf; whether OSW is developed in those areas depends on factors such as the costs of the project(s), state procurement goals, obtaining power purchase agreements, project competitiveness, etc. BOEM representatives noted that the bathymetry in depths beyond 1300 m off the Pacific coast are typically steeper and more varied than on the Atlantic Coast.

BOEM also said the proposed Bandon call area was dropped from the final Call for Information for several reasons, primarily because BOEM heard from Task Force members in February that the Bandon area contained the Coquille Bank (“Bandon High Spot”) and that it was an important marine habitat and that rocky reefs and places like the Coquille Bank are important for multiple interests. The Call also asks for additional information regarding seafloor habitats and areas of large rocky reef habitats.

### **Draft Oregon Call Areas Letter**

The June Briefing Book includes a draft letter in response to BOEM’s Call for Information regarding Oregon OSW Call Areas. The MPC provides these suggested edits (based on informal input from Habitat Committee (HC) members), which are focused primarily on the Habitat section of the [draft letter](#):

1. The habitat comments in the draft letter should be more fully fleshed out and there are additional habitat issues and data needs to include. The focus of the Call Notice is to provide specific information about resources/uses in and near the Call Areas, and comments should generally focus on those aspects.
2. Add discussion of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) essential fish habitat (EFH) provisions and Council’s authority regarding EFH.
3. Expand discussion on conservation designations (Essential Fish Habitat Conservation Areas (EFHCAs) and Habitat Areas of Particular Concern (HAPC)).
4. Expand discussion on the habitat resources and conservation designations in each Call Area that could be affected by wind energy activities and development, including EFHCAs, rock HAPCs, corals, methane seeps, and wind wake effects on ocean dynamics. Recommend locating WEAs away from these ecosystem resources until the effects are determined to be benign or create sufficiently sized buffers around these resources.
5. Include comment on the need for a geospatial compatibility analysis to inform WEA siting and recommend that BOEM consider assistance from the National Centers for Coastal Ocean Science.
6. Additional data is needed, including additional U.S. Geological Service, Pacific Marine Environmental Laboratory, and other seafloor mapping, methane seeps, and biogenic data not currently in OROWindMap to inform analyses and WEA siting decisions. Apply Coastal and Marine Ecological Classification Standard to identify all rocky habitat.
7. Ensure concise text and consistent grammar and tone throughout.

### **Policy/Guidance document**

The MPC discussed the Draft Proposed Policy Guidance for Offshore Development Activities provided in the briefing book for the June Council meeting ([Agenda Item C.3, Attachment 2](#)). The MPC looks forward to hearing the recommendations the Council receives on that draft document at its June 2022 meeting. The MPC envisions this document to be a living document that can be updated/modified as additional information becomes available.

The MPC **recommends** that the Council incorporate the comments of its Advisory Bodies and the public into the draft document, as the Council deems appropriate, and then adopt that revised draft for public review in advance of the next Council discussion of Marine Planning matters. We also provide the following suggested minor revisions and additions to the draft version of the document in the June 2022 briefing book:

1. Revise the “Purpose” section of the document to provide the following clarifying language: *The Council is responsible for managing federal fisheries off the West Coast in a manner that is both biologically sustainable and protective of sensitive habitats. Considering the potential impacts of human actions in the marine environment is complex and varies regionally and by fishery. While this document outlines overarching considerations and expectations, it cannot replace focused study of the issues or direct and extended meaningful engagement with the Council and its advisory bodies and stakeholders. Direct engagement is especially preferred for projects with the potential to cause adverse effects on fisheries, fishing-dependent communities, and essential fish habitat. The Council process is deliberative, science-based, open, and transparent. The ongoing dialogue between the Council, fisheries stakeholders, and the public strengthens the decision-making process.*
2. Add reference to recreational benefits in first bullet point.
3. Ensure that recreational fisheries are included in the “Objectives” section. Also, in the “Objectives” section, note that mitigation measures, when required, must be materially effective and may be necessary to recompense stakeholders and/or communities for socio-economic losses.
4. Add language in the “Habitat and Fishery Resources” section of the document to note the relatively high level of biodiversity in the California Current Ecosystem, which is a characteristic of eastern boundary currents, and which can cause additional challenges for understanding the potential effects of an action on the species and fisheries within the ecosystem.
5. Add language in that same section to recognize that Council-managed species are likely to change their distributions over time, and that fisheries will also likely shift to continue to harvest those species. Include mention of possible expansion of groundfish fisheries in the post-rebuilding era. Offshore developments in areas that are open to groundfish fishing would curtail the ability of fishermen and seafood processors to maintain viable operations.
6. Add language in that same section to address the role of estuaries and other nearshore habitats as nurseries for many species, particularly including coastal pelagic species (CPS) and several state-managed fisheries.
7. Add language in that same section to mention the importance of Dungeness crab fisheries to West Coast fishing communities, while acknowledging that those are state- and tribe-managed fisheries.

8. Under Pacific Coast Groundfish: add note that Pacific Coast Groundfish management has resulted in rebuilt stocks and national recognition for conservation and management success.
9. Include note that ex-vessel value does not accurately reflect downstream benefits and economic impact.
10. In the section on “Potential impacts from offshore development activities,” note that: anchor chain or cable movement on the seabed may cause scouring and sediment plume formation, and that when offshore activities displace fisheries, fisheries effort compaction could result in localized stock depletion and a drop in Catch per Unit of Effort.
11. In the “Other fisheries-related activities and resources likely to be impacted by offshore development,” add language about: the downstream economic benefits of fisheries to fishing communities, and the potential effects off offshore wind installations on upwelling, primary productivity, and other wind wake effects.
12. In the “Expectations for analysis, monitoring, and avoiding impacts to fisheries and habitats,” supplement prioritization for non-fishing activities to occur offshore of 1300 m depth with mention of recent East Coast offshore wind installation proposed for waters out to 2600 m depth.
13. Under #16 of the guidance document, note that lessees should employ a fisheries liaison “selected by fishermen and processors.”
14. Under #17 of the guidance document, add note that community benefits agreements should utilize independent studies, e.g., Sea Grant or universities to establish severity of impacts.
15. Intent of document still unclear. Internal for Council and ABs or external for Action Agencies? Council should clarify intent. If purpose of document is to provide ABs with specific text for letters, scope of document is broader than necessary. However, if document is meant to be shared with Action Agencies, further editing is needed to ensure consistent with MSA regulatory authorities and language.
16. Consider renaming the document from “Offshore Development” to “Ocean Industry” to more accurately describe the intent of the guidance document.
17. Describe cumulative effects.
18. Create a single section for EFH and HAPC regulatory language and descriptions, rather than split between various sections and footnotes.
19. Describe fishery resources consistent with MSA; fishing industry is distinct from its resources.
20. Move discussion of fisheries impacts into the impacts section of the document or create two separate impact sections for fisheries and habitat/ecosystem.
21. Most of the impacts described are for OSW only. This guidance document is intended to address several types of ocean industries. Either expand the impacts section to include other types of impacts or narrow scope of this guidance to OSW only.
22. Remove redundancies throughout (e.g., impacts noted in bulleted list do not need to be discussed separately).
23. Ensure concise text, consistent tone, and grammatical fixes throughout.
24. Create numbered sections and Table of Contents to improve readability.

#### **NOAA AOAs**

Ms. Diane Windham, California Aquaculture Coordinator for the National Marine Fisheries Service (NMFS) West Coast Region (WCR), provided an overview of the recent publication in

the Federal Register of NOAA’s Notice of Intent (NOI) to prepare a Programmatic Environmental Impact Statement (PEIS) for the proposed identification of one or more AOAs to be located in Federal waters off the coast of Southern California (see [2022-11010.pdf \(govinfo.gov\)](#)). NOAA has been designated the lead agency for the proposed action with the following cooperating agencies: Environmental Protection Agency Region 9, United States Coast Guard Region 11, and U.S. Army Corps of Engineers, Los Angeles District. NOAA has a [webpage](#) dedicated to the NOI, which requests public input on 16 specific items. While the MPC acknowledges that each of the items is important, a smaller subset may be particularly important to the Council family:

- (4) Types of aquaculture (e.g., finfish, shellfish, seaweed, integrated multi-trophic aquaculture) that could be supported and/or analyzed.
- (5) Potential impacts to biological, physical, social, cultural, and economic resources.
- (10) Potential interactions with protected species, essential fish habitat, and other sensitive habitats.
- (11) Potential interactions with commercial and recreational fishing industries, tourism and recreation, and other offshore ocean users.

The public comment period closes on July 22, with two [public scoping meetings](#) scheduled for June 27, 12:00 p.m. – 2:00 p.m. and July 11, 5:00 p.m. – 7:00 p.m. The MPC **recommends** that the HC and MPC collaborate on a comment letter for Council consideration via the quick response procedure after the June meeting. The comment letter could address any or all of the 16 specific items; but should focus on the four items listed above, on potential habitat and fishery impacts, and on any missing or incorrect elements in the AOA Atlas for Southern California.

### **Other Updates**

#### Olympic Wind unsolicited lease request off Washington

BOEM did not have a detailed update for the MPC on the Olympic Wind unsolicited lease proposal except to say that they were reviewing the applicant’s legal, technical, and financial qualifications. They did not have a timeframe on when that review would be completed. Mr. Corey Niles, the representative from the Washington Department of Fish and Wildlife (WDFW), noted the Olympic Wind project was part of the agenda for the April 20 meeting of the [Washington Coastal Marine Advisory Council](#) (WCMAC) and that discussions among the state, BOEM, and coastal treaty tribes had begun on the topic of establishing a task force or pursuing other options for joint planning, coordination, and stakeholder engagement. An effective process and schedule for fisheries stakeholder engagement is required by the state’s marine spatial plan. The Olympic Wind developer and others believe that competitive interest in areas off Washington is likely. This raises the possibility that the focus will broaden to consider more than just the area identified by Olympic Wind. Mr. Niles also highlighted the need for regional cooperation. The proposed Olympic Wind site and areas where wind energy development would be most likely off Washington are also important to other West Coast fishing communities. These topics will next be discussed at the June 15 WCMAC meeting. WCMAC meetings are open to the public and offer the opportunity for public testimony.

### **Upcoming events, meetings, and comment opportunities**

- Oregon Call Areas letter due **June 28**. More information is [HERE](#).

- NOAA AOA public meetings **June 27 and July 11, 2022.**
- NOAA AOA comments due **July 22, 2022.** More information is [HERE](#).
- California Proposed Sale [Notice](#). On 5/31 BOEM published the PSN in the Federal Register with a 60-day comment period ending **August 1, 2022.**
- BOEM-California Renewable Energy Interagency Task Force meeting. **June 3, 2022** 9:00 am – 1:00 pm (PDT). The meeting is open to the public. Topics will include updates since the July 2021 Task Force meeting; the California PSN; and next steps for offshore wind off California’s north and central coasts. Click [HERE](#) for more information and to register.
- California Coastal Commission hearing for Morro Bay WEA. **June 8, 2022.** BOEM seeks concurrence from the CCC that BOEM’s leasing and leasing activities in the WEA are consistent with California’s Coastal Management Program. The CCC staff report with recommended conditions can be found [HERE](#).
- Washington Coastal Marine Advisory Council (WCMAC) Meeting. **June 15, 2022.** The WCMAC will discuss the unsolicited OSW lease request BOEM received. Agenda will be posted [HERE](#).
- Upwelling Study from Integral Consulting webinar presentation. **June 16, 2022, 1 p.m.** Pacific Offshore Energy Trust (POET) will host this webinar. Register in advance [HERE](#).
- Draft BOEM mitigation guidance. BOEM recently announced four public meetings on draft guidance on ways to mitigate impacts from OSW projects on commercial and recreational fisheries and fishing. The guidance was developed based on public input received in late 2021. The **four public meetings in June 2022** are intended primarily for commercial and recreational fishermen on the West Coast, the Gulf, and the Atlantic Coast, as well as developers. However, the meetings are open to the public.
  - [Developers meeting: Tuesday, June 14, 1:00 – 3:00 p.m. ET](#)
  - [East Coast meeting: Wednesday, June 15, 9:00 – 11:00 a.m. ET](#)
  - [Gulf of Mexico meeting: Thursday, June 16, 9:00 – 11:00 a.m. CT](#)
  - [Pacific Coast meeting: Thursday, June 16, 1:00 – 3:00 p.m. PT](#)
- Oregon Offshore Wind Energy Input Opportunities, facilitated by the Oregon Trawl Commission, the Midwater Trawlers Cooperative, and BOEM:
  - Newport, Oregon, Best Western Plus Agate Beach Inn; Wednesday, June 15, 2022, 8:00 a.m. – 12:00 p.m. Register [HERE](#).
  - North Bend, Oregon, The Mill Casino; Thursday, June 16, 2022, 8:00 a.m. – 12:00 p.m. Register [HERE](#).
  - Gold Beach, Oregon, Curry County Fairgrounds, Friday, June 17, 2022, 8:00 a.m. – 12:00 p.m. Register [HERE](#).

The MPC appreciates the input from other Council Advisory Bodies as well as guidance from the Council.

PFMC  
06/07/22