

MARINE PLANNING COMMITTEE REPORT ON MARINE PLANNING ISSUES

The Pacific Fishery Management Council's (Council) Marine Planning Committee (MPC) met on July 26, 2022, to consider marine planning issues and to initiate development of a report to the Council. The MPC discussed offshore wind (OSW) 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 July 26th meeting and a list of current and upcoming events.

Offshore Wind Energy

The MPC received an overview of Bureau of Ocean Energy Management (BOEM) California and Oregon activities from Ms. Necy Sumait. The MPC thanks BOEM staff for their continued interest in helping the MPC understand the BOEM OSW leasing process and project updates.

California

The public comment period for the Proposed Sale Notice (PSN) for both Morro Bay and Humboldt wind energy areas (WEAs) closed on August 1, 2022. The Council submitted a [comment letter](#) focused on the questions asked in the PSN. In particular, the Council offered detailed comments on the following items:

- The areas proposed for leasing. In particular, measures for vessel transit, potential impacts to commercial and recreational fisheries as well as fishing-dependent coastal communities, potential impacts to habitat resources (essential fish habitat (EFH) and habitat areas of particular concern),
- Wake effects and upwelling,
- Engaging underserved communities,
- Bidding credits, specifically, the proposed 2.5 percent bidding credit for Community Benefit Agreements,
- Tribal Governments, ocean users, underserved communities, agencies, and other stakeholder engagement and reporting,
- New industry standards (e.g., technology standards, vessel standards, etc.) for environmental protection for any phase of development,
- Lease terms and conditions.

On August 10, the California Energy Commission (CEC) issued its final report [Offshore Wind Energy Development off the California Coast - Maximum Feasible Capacity and Megawatt Planning Goals for 2030 and 2045](#). In that report, the CEC has established planning goals of 2 - 5 GW by 2030 and 25 GW by 2045.

In the near future, it is expected BOEM will finalize the Environmental Assessment for the Morro Bay WEA and publish the Final Sale Notice (FSN) for both the Morro Bay and Humboldt WEAs. The FSN will specify the lease areas to be offered, the format of the final auction, the date of the auction, and will list all qualified bidders. The auction will take place no sooner than 30 days after publication of the FSN.

Oregon

BOEM issued a Call for Information and Nominations related to the two Oregon Call Areas – Coos Bay and Brookings – on April 29, 2022. The public comment period closed June 28. The Council submitted a [comment letter](#) addressing concerns related to engagement, the BOEM process and potential impacts on fisheries and habitat (NMFS also submitted a [comment letter](#)). BOEM received more than 270 comments, available [here](#), and is currently reviewing them and continuing its analysis. BOEM anticipates announcing Oregon WEAs in late fall 2022 or early 2023.

BOEM also stated that NOAA’s National Centers for Coastal Ocean Science (NCCOS) analysis was applied to the development of OSW call areas in the Gulf of Mexico and that discussions are occurring both internally and with NOAA about the potential to apply a similar analysis in other places such as Oregon.

Washington

BOEM informed the MPC that it was still reviewing the two unsolicited lease requests that have been submitted for areas off Washington. Unlike Olympic Wind, the second company has not made their request public. BOEM will not post the lease request to its website until their review is complete and only if BOEM staff concludes that both leases meet all technical, legal, and financial qualifications. BOEM did not have an estimate of how long its review of the two requests would take to complete and said it depended in part on how long it takes the companies to respond to questions and requests for additional information.

There was no update on discussions between BOEM and the state and tribes. The next meeting of the Washington Coastal Marine Advisory Council is on September 14, and it is anticipated that the topic of state engagement with BOEM will be one item on the agenda.

Policy/Guidance document

The Council has considered adopting a policy or guidance document on offshore development activities. At its June 2022 meeting, the Council directed staff to consider comments from Advisory Bodies (including soliciting input from the Ecosystem Advisory Subpanel and the Ecosystem Workgroup, who did not meet in June), and bring a new version for consideration and possible adoption at the September meeting. The Council directed staff to make the policy guidance document to be an inward facing document that can be drawn from when developing comment letters or other correspondence, and to focus on OSW rather than all ocean development activities. An updated version of the policy guidance document is included in September Briefing Book materials as Agenda Item C.4, Attachment 1.

BOEM Fisheries Mitigation Guidance

BOEM, working with NOAA Fisheries, issued the [Guidelines for Mitigating Impacts to Commercial and Recreational Fisheries on the Outer Continental Shelf](#) on June 23, 2022, with a comment period that ended August 22, 2022. BOEM also conducted outreach workshops during the comment period, and the Small Business Administration’s Office of Advocacy held a virtual small business roundtable to discuss the proposed guidance. A number of MPC members attended the roundtable.

The Council submitted a quick response letter, posted to the Council website. Several other regional Fishery Management Councils (RFMC) developed comment letters, and there was some discussion of submitting a joint comment letter, since many OSW issues in other regions are the same or similar to those on the West Coast. After consideration, Pacific Council staff determined it would be better to submit our own letter. However, other RFMCs assisted greatly by sharing their draft comment letter. The MPC appreciates their help and the collaboration between RFMCs on OSW issues.

The draft mitigation is a result of prior BOEM outreach that resulted in five best management practice areas (BMPs): Fisheries communication and outreach; project siting, design, navigation and access; safety; environmental monitoring; and financial compensation. The new draft guidelines focus on the last four of the five BMPs – project siting, safety, environmental monitoring and compensation.

The Council’s letter expressed interest in seeing this guidance further developed, as it will provide clarity and consistency across OSW projects. However, it is only guidance, and the lack of binding rules or regulations undermine the potential protections it aims to satisfy. Other guidance shortcomings include project-by-project mitigation development; the inability to address cumulative impacts; its inability to address regional mitigation; the lack of differentiation between fixed and floating OSW projects (one type could require different or more mitigation, depending on the scenario); the lack of differentiation between commercial and recreational fisheries and the mitigation proposed for each; and more. The MPC feels the draft guidelines must be developed specific to regional fisheries that somewhat align with fishing seasons/regulations, behaviors, and gear types.

The MPC proposed specific wording and changes to the draft guidance that would make it stronger, more regional in scope and have increased force to ensure fisheries and use of the ocean is protected on the West Coast.

NOAA Aquaculture Opportunity Areas

Ms. Diane Windham, California Aquaculture Coordinator for the National Marine Fisheries Service West Coast Region, provided an update on the timeline and process NOAA is undertaking related to the Aquaculture Opportunity Areas (AOAs). On May 23, NOAA published a Notice of Intent to Prepare a Programmatic Environmental Impact Statement (PEIS) for Identification of One or More Aquaculture Opportunity Area(s) in Southern California (NOI). The NOI public comment period closed on July 22, 2022. The Council submitted a [comment letter](#) focused on 12 of the 16 items for which NOAA specifically sought public input on. The comments covered a variety of topics including:

- The scope of the NEPA analysis,
- Suitable species and gear; as well as the types of aquaculture that could be supported and analyzed,
- Reporting requirements,
- Potential impacts to biological, physical, social, cultural, and economic resources,
- Information related to diversity, equity, and inclusion in aquaculture and the seafood sector,
- Potential interactions with protected species, EFH, and other sensitive habitats; commercial and recreational fishing industries, tourism and recreation, and other offshore ocean users,

- Information on other current or planned activities in, or in the vicinity of, the AOAs,
- Inputs on size and footprint of the AOAs and the ability of the AOAs to simultaneously support aquaculture development along with environmental, economic, and social sustainability—including ways to incorporate mitigation and cost-benefit analyses, and
- Other information relevant to the proposed action.

NOAA is currently developing a Draft PEIS based on comments received on the NOI. We anticipate the Draft PEIS will be released for public comment in late 2022 or early 2023.

During the July 26th meeting, the MPC briefly discussed two specific issues the Council may wish to consider. It is not clear if the Council has taken a position on 1) whether finfish aquaculture in marine waters is advisable, and 2) whether the propagation of non-native species should be considered for aquaculture projects in the marine environment. We would appreciate the Council providing guidance on those two issues in anticipation of commenting on the Draft PEIS.

Upcoming events, meetings, and comment opportunities

There are two ocean renewable energy [conferences](#) scheduled for September 13 – 15, 2022, in Portland, Oregon. The BOEM California Final Sale Notice is anticipated to be released in the fall, but there is no set date. The MPC is not aware of any other upcoming comment periods or events.

PFMC
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