



Pacific Fishery Management Council

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

November 3, 2022

LCDR Sara Conrad
United States Coast Guard
Pacific Area (PAC 544)
Coast Guard Island
Alameda, California 94501

Re: United States Coast Guard Draft Pacific Coast Port Access Route Study

Dear Lieutenant Commander Conrad:

The Pacific Fishery Management Council (Council) appreciates the opportunity to comment on the United States Coast Guard (USCG) *Draft Pacific Coast Port Access Route Study (PAC-PARS)*. The Council values the thoroughness of the PAC-PARS as evidenced by the documents and supporting materials associated with Docket USCG-2021-0345 (<https://www.regulations.gov/docket/USCG-2021-0345>). While the Council and stakeholders are concerned about the potential impact of offshore development projects (renewable energy, aquaculture, etc.) on navigation and safety at sea, we understand those will be addressed when such projects are in the approval stage. We look forward to reviewing the guidance being developed “for response operations within and around offshore wind installations” and seeing this guidance incorporated “during the planning phase of the offshore wind developments in the PAC-PARS area.”¹

The Council is one of eight Regional Fishery Management Councils established by the Magnuson-Stevens Fishery Conservation and Management Act of 1976. 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 of Washington, Oregon, California, and Idaho. The Council is required to achieve optimum yield for public trust marine fishery resources, which requires sustainably managing these resources, their habitats, and the fishing communities that rely on their harvest. The Council supports efforts to mitigate the effects of climate change, including the responsible development of renewable energy projects, provided that the health of marine/estuarine habitats and ecosystems, ecologically and economically sustainable fisheries, and fishing-dependent coastal communities are not irreparably harmed. While the Council recognizes the importance of domestic energy development to U.S. economic security, it is important to note that marine fisheries are profoundly important to the social and economic well-being of communities throughout the U.S. and provide numerous benefits to the nation, including domestic food security.

¹ See Page 15 of the PAC-PARS

The Council previously submitted comments on the PAC-PARS in January of this year² and on the Vessel Traffic Assessment: Near Point Mugu, San Francisco Bay, Humboldt Bay, and Morro Bay, California in May of this year³. We appreciate that many of the concerns expressed in those letters appear to have been addressed in the current PAC-PARS Draft.

On September 30, 2022, the Council's Ad Hoc Marine Planning Committee (MPC) was briefed by USCG Commander Brendan Harris, who provided the MPC with a thorough overview of the PAC-PARS. A recording of this meeting is available online at <https://www.pcouncil.org/events/ad-hoc-marine-planning-committee-to-hold-online-meeting-september-30-2022/>.

PAC-PARS Evaluation for Fairway Designation

The Council appreciates the USCG's PAC-PARS evaluation of current maritime vessel operations and those likely to occur in the future. As noted in the study, the Ports and Waterways Safety Act (46 U.S.C. 70003(c)(1)) authorizes the USCG to designate fairways to provide for safe vessel traffic access routes to or from ports or places along the western seaboard of the United States, recognizing the paramount right of navigation over all other uses. The PAC-PARS strives for a framework to preserve, protect, and stabilize existing vessel traffic patterns especially in light of increased vessel traffic and other reasonable waterway uses that could interfere with vessel traffic navigation and safety. The fairways, as proposed in the PAC-PARS, are a significant step toward achieving those goals.

The Council generally supports the recommendations contained in the Study. In particular, we support the use of fairway designations. Because designated fairways will prohibit the construction of fixed structures in that area, both temporary and permanent, they will provide predictability and safety of navigation. During the October 4 public webinar to cover the contents of the Draft Pacific Coast Port Access Route Study (PAC-PARS), the USCG indicated its view that floating wind infrastructure, and any accompanying cables and anchors, are considered fixed structures, and thus prohibited from being placed in the fairways⁴. **The Council recommends this important distinction between activities and equipment that may be permissible or prohibited within designated areas be clearly documented in the Final PAC-PARS.** For example, during the September 30 MPC meeting, Commander Harris indicated that certain buoys (weather or research) that serve a significant and valid purpose would not be prohibited, but that cables and anchors associated with floating offshore wind installations would be prohibited.

PAC-PARS Assessment of Vessel Traffic Patterns

The Council is concerned that smaller ports and harbors along the U.S. West Coast may have been overlooked due to a perceived lack of vessel traffic from the past decade. For example, our Groundfish Advisory Subpanel (GAP) offered the following recommendation during the Council's September meeting for two such ports in Oregon:

² <https://www.pcouncil.org/documents/2022/01/january-2022-letter-to-uscg-re-pars.pdf/>

³ <https://www.pcouncil.org/documents/2022/05/may-2022-letter-to-us-coast-guard-on-pacific-coast-port-access-route-study.pdf/>

⁴ See - [PAC-PARS 04 Oct Webinar Minutes.pdf \(uscg.mil\)](#)

“The GAP also recommends that, during the PAC-PARS comment period, a request be made to the USCG for “Proposed Fairways” to be added for Winchester Bay through the BOEM Coos Bay Call Area and to the Port of Brookings through the Brookings Call Area.”⁵

These ports and harbors are populated with a subset of commercial and recreational vessels, usually smaller vessels, that do not participate in fisheries for which a Vessel Monitoring System is required nor are they required to carry an operational Automatic Identification System (AIS). Enclosure 2 to the Port Access Route Study: The Pacific Coast from Washington to California – Vessel Traffic Summary includes a statement that appears to misconstrue AIS requirements. On page 6, “AIS traffic data does not capture all vessels that operate in the study area. Federal and international carriage regulations stipulate only certain vessels are required to send and/or receive AIS signals. This includes but is not limited to vessels of 65 feet or greater, towing vessels of 26 feet or greater, vessels certificated for 150 or more passengers, dredging vessels near a channel, *fishing vessels*, and vessels over 300 gross tons on an international voyage” (*emphasis added*). This statement could be read in a way that all fishing vessels are required to have AIS, whereas 33 CFR §164.46 requires AIS on fishing vessels only 65 feet or greater. If the Study was prepared assuming all fishing vessels send and/or receive AIS signals, it would fail to account for the great number of fishing vessels not required to have AIS.

Some Council Advisory Bodies have expressed concern about fairways serving the Columbia River and Coos Bay. The Council also heard concerns from our highly migratory species fishery participants (those fishing primarily for tunas and swordfish) about the offshore fairway potentially leading to increased conflicts between those fleets and vessels utilizing the offshore fairways. In particular, were prevailing weather conditions considered or was it based solely on where historical navigation took place? This is particularly worrisome for stakeholders in Coos Bay who are facing a probable offshore wind farm within the Coos Bay Call Area. During certain times of the year, the weather conditions off the U.S. West Coast are hazardous (for example, prevailing winds are N/NW in the spring and summer; S/SW in the fall and winter off Coos Bay and the southern Oregon coast). Mariners are cognizant of sea states and will choose transit routes and port approaches that are safer. If certain transit routes are blocked because of obstructions, a mariner may be forced to follow an unsafe course, putting the vessel and crew at increased risk. This is especially true for smaller vessels that may not have been captured in the USCG’s data gathering process. **The Council recommends that the USCG consider additional information in the final PAC-PARS Study, including 1) incorporation of non-AIS and VMS vessel data in evaluating traffic patterns in smaller ports and harbors not specifically mentioned in the Draft Study, and 2) evaluation of the potential for increased vessel use conflicts in the offshore Fairways.**

We do acknowledge and appreciate that the recommended vessel traffic routing measures avoid environmental areas such as essential fish habitats, biologically significant areas, whale hotspots, sea mounts, and continental shelf boundaries. We value the effective communication and outreach efforts by the USCG, and applaud the work done in producing the PAC-PARS. We look forward

⁵ See - <https://www.pcouncil.org/documents/2022/09/c-4-a-supplemental-gap-report-1-3.pdf/>

to continuing dialogue on this or other marine planning-related issues. Should you have any questions please contact Kerry Griffin on Council staff (Kerry.Griffin@noaa.gov; 503-820-2409).

Sincerely,

A handwritten signature in black ink that reads "Marc Gorelnik". The signature is written in a cursive, flowing style.

Marc Gorelnik
Council Chair

MC:kma

Cc: Council Members
Mr. Mike Conroy
Ms. Susan Chambers
Mr. Chris German
Lt. Lelea Lingo