

## MARINE PLANNING COMMITTEE REPORT ON MARINE PLANNING

The Marine Planning Committee (MPC) met on February 23, 2023 to receive an update on recent Bureau of Ocean Energy Management (BOEM) activities and an overview of a pending West Coast Fishing Communities Report from the National Marine Fisheries Service (NMFS) West Coast Region (WCR) and the Northwest Fisheries Science Center (NWFSC).

### Status of California offshore wind energy leases

The California lease auction was held December 6, 2022, resulting in five provisional lease winners: two for the Humboldt area and three for the Morro Bay wind energy area. The leases have not yet been finalized because a provision included in the Inflation Reduction Act prevents BOEM from issuing new renewable energy leases until certain O&G lease actions have been implemented. On February 27, 2023, BOEM [announced](#) they will “open and announce bids received for blocks offered in the Gulf of Mexico (GOM) Regionwide Outer Continental Shelf (OCS) Oil and Gas Lease Sale 259.” After completion of that sale, BOEM will send executable lease agreements to the provisional California offshore wind energy lease winners.

The California leases include stipulations new to BOEM leases, including community benefits agreements (CBAs) and requirements for the lessees to develop three communications plans: 1) Native American Tribes; 2) Agencies; and 3) Fisheries. Additionally, the lessee must make efforts to engage with a number of parties that could be affected by a specific company’s development activities on the outer continental shelf, including other lessees. Developers must also document their communications and provide updates every six months.

In terms of actions that are expected to occur within the next year or so:

- As the lessees off California prepare to conduct marine site characterization surveys, they will request MMPA incidental take authorizations from NMFS for the take of marine mammals incidental to those survey activities. Using similar requests submitted off the East Coast, we suspect takes will be limited to Level B harassment only. See January 13, 2023 [Federal Register notice](#): Taking Marine Mammals Incidental to Marine Site Characterization Surveys in the New York Bight.
- Within 120 days of lease execution:
  - Lessees are required to develop a publicly available Fisheries Communication Plan (FCP) that describes the strategies the Lessee intends to use for communicating with fisheries stakeholders prior to and during activities in support of the submission of a plan. In addition to the requirement outlined in [Section 5.3.2 of the Proposed Leases](#), BOEM added the following elements to this stipulation in response to its extensive engagement with Tribal governments, the fishing industry, and governmental agencies. Major revisions include: (i) identifying dock space and transit routes that would minimize space use conflicts and potential impacts to protected species; (ii) minimizing both congestion and the creation of obstacles that could result in an increased risk of entanglement; (iii) to the extent practicable, prioritizing Federal and state climate change adaptation strategies for fisheries; and (iv) requiring that the Lessee contact potentially affected commercial fishing communities prior to submitting its construction and operations plans

(COP) to discuss potential conflicts between seasonal fishing operations and the Lessee's survey and development activities. See [Final Sale Notice, Section VI\(c\)](#). Because there is not a public comment opportunity on the FCP, the Pacific Fishery Management Council (Pacific Council or Council) should consider encouraging Lessees to engage with the Council for input into FCPs.

- Lessees must provide a draft Native American Tribes Communications Plan (NATCP) to BOEM and interested Tribes for review and comment, and a meeting must be held with the Lessor and all interested Tribes to discuss the draft NATCP. This can be extended by BOEM upon request by a lessee.
- Lessee must provide a draft Agency Communications Plan (ACP) to BOEM and other permitting and resource agencies with authority related to the Lease Area for review and comment, and host a meeting with each interested agency, to discuss the ACP within 120 days of lease execution. This can be extended by BOEM upon request by a lessee.

MPC members discussed the Fisheries Communications plans and initial thoughts for planning. After the leases are finalized, Lessees may wish to reach out to the Pacific Council to ask about elements the Council would like to see in the plan and/or the Council could proactively reach out to developers with requests they'd like to see in the plans. This is something the MPC can discuss further during its May 18, 2023, meeting. In the meantime, MPC members discussed a recommendation for the Council Enforcement Consultants to discuss whether there are existing communication opportunities or mechanisms in place, such as Notice to Mariners, that could be used to enhance communication and minimize potential conflicts between Lessee survey vessels operations and fishing vessel operations.

#### Programmatic Environmental Impact Statement discussion

In February 2022, BOEM auctioned six leases in the New York Bight. In July of last year, BOEM published a [Notice of Intent](#) (NOI) to prepare the New York Bight Programmatic Environmental Impact Statement (PEIS), which will analyze potential impacts from wind energy development activities in the NY Bight region. During the February 23, 2023, MPC meeting, BOEM indicated it was still considering whether to prepare a similar PEIS for the five California leases. After discussion, **the MPC recommends the Council submit a letter to BOEM asking the agency to prepare such a PEIS.** The Council has previously commented on the need for a programmatic approach of offshore wind development off the U.S. West Coast. We also discussed the importance of tribal consultation in the process. **The MPC also recommends the letter include language acknowledging that tribal consultation needs to include Treaty tribes located outside of California.** Tribes in Oregon and Washington have expressed concerns about how potential ecosystem impacts resulting from offshore wind development will affect tribal fisheries and usual and accustomed (U&A) grounds elsewhere.

#### Other MPC discussion

MPC members discussed other elements related to the BOEM offshore wind process, including:

- **Public comment opportunities:** MPC members confirmed with BOEM the only public comment opportunity before a developer's site assessment plan (SAP) is in response to the development of the draft environmental assessment (EA) after the final wind energy area (WEA) is designated and prior to final lease sale notice (FSN). MPC members remain

concerned that the EAs, which are developed to cover potential SAPs, are inadequate with regard to the National Environmental Policy Act (NEPA) process. BOEM reminded the MPC that a more comprehensive environmental impact statement (EIS) will be completed once the lessees provide COPs. Additionally, BOEM will review public comments received during other parts of the leasing process to inform the EIS. It is only during the COP process where information such as turbine density and potential location will be available so that an EIS can address questions such as wake effects, hydrology, ecosystem effects, etc.

- **Cumulative impacts analysis:** A few members reiterated the need for a cumulative impacts analysis on potential areas and on existing areas and potentially using scenario planning to inform an analysis. Ms. Miller said BOEM did consider a high-level scenario planning-type process when potential call areas were identified. A National Renewable Energy Laboratory (NREL) study looked at areas that could be large enough to generate commercial scale wind energy, general array design parameters, etc., and BOEM depended on this to identify call areas. However, the scenarios included in that study were very general in scope. While general in scope, the factors considered are enough for BOEM to designate lease areas and the MPC believes that cumulative effects analysis is possible now.-

#### West Coast Fishing Communities Report

NMFS WCR and NWFSC provided an overview of a report about West Coast fisheries that NMFS is working on funded under BOEM's [Environmental Studies Program](#) (see BOEM [study profile](#)). The purpose of the presentation was to bring it to the MPC's awareness and invite input. The report objective is to help BOEM better understand socioeconomic characteristics of West Coast fisheries for their work to analyze potential impacts from OSW activities on fishing sectors and communities. The report will not analyze impacts or instruct BOEM on conducting socioeconomic impacts analysis, but rather provide insights based on NMFS' unique expertise in fisheries socioeconomic analysis applied in fisheries management ([presentation](#)). The report is due to BOEM in September 2023. NMFS welcomed input on the outline and was particularly interested in insights and suggestions for how to address the lack of spatial data for recreational fisheries and thoughts on incorporating local fisheries knowledge resources.

Some MPC members and participants suggested incorporating the topics of fisheries displacement; dockside infrastructure; engaging with researchers outside of NMFS and BOEM; and include a discussion about the high cost of participating in West Coast fisheries. A suggestion was made for BOEM to review and incorporate comments and suggestions from fisheries stakeholders submitted in recent comment periods. There were questions about how this report would be used in the Oregon siting process. The BOEM principal investigator was present and explained that this is a more general study. The MPC agrees that Fishing Communities report has value and will be an excellent resource to support the necessary impacts analyses in the future. The MPC reiterates that BOEM should conduct thorough analysis of potential impacts to fisheries and use the best available information and methods to inform its decisions. The MPC looks forward to further discussions with NMFS on the West Coast Fisheries Report.

PFMC  
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