Pacific Fishery Management Council

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

April 6, 2023

To: Oregon Governor Tina Kotek
900 Court Street, Suite 254
Salem, OR 97301-4047

Douglas Boren, Pacific Regional Director
Bureau of Ocean Energy Management
760 Paseo Camarillo, Suite 102
Camarillo, California 93010-6002

Re: Oregon's Offshore Wind Energy Development Process

Dear Governor Kotek and Mr. Boren:

On behalf of the Pacific Fishery Management Council (Council or Pacific Council), I wish to express our concerns about the development of offshore wind (OSW) energy in ocean waters off the Oregon Coast. To be clear, the Council is not opposed to the development of OSW energy, generally. What we seek is a development process that adequately considers multiple ocean uses, and sites OSW energy facilities in ways that are compatible with these multiple uses. Unfortunately, and despite the engagement of the Council and multiple fishery stakeholders, the areas being considered for OSW energy development off the coast of Oregon may not be compatible with fisheries.

To remedy the current situation, we respectfully request:

- The Coos Bay and Brookings Call Areas be rescinded and that the Bureau of Ocean Energy Management's (BOEM) not proceed with Wind Energy Areas (WEAs) at this time.
- BOEM restart the process of identifying Call Areas off Oregon by considering all areas greater than 12 miles offshore, including areas deeper than 1,300 meters.
- After re-starting the process, use spatial planning tools to help minimize OSW development impacts to fisheries and ecosystem resources.
- Exclude from further consideration all offshore banks and seamounts and require an adequate buffer zone surrounding them as determined by collaborative work by partners including Council, the Oregon Department of Fish and Wildlife (ODFW), the National Marine Fisheries Service (NMFS), and National Centers for Coastal Ocean Science.

About the Pacific Fishery Management Council
The Council is one of eight Regional Fishery Management Councils (RFMCs) established by the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (MSA). The MSA mandates that Federally managed fisheries be done sustainably, and sets forth several National

Standards which direct our management approach. The Pacific Council is responsible for the management of Groundfish, Coastal Pelagic Species, Highly Migratory Species, and Salmon, and develops policies for these fisheries which ensure sustainability, conserve habitats, maintains ecosystem function, and ensures that communities within Washington, Oregon, California, Idaho, and beyond benefit from the catching, processing, and consumption of West Coast seafood products.

In the years since the MSA was passed in 1976, the Council has implemented many difficult policies that ensure the long-term health of West Coast fisheries. These policies include the closure of vast portions of the West Coast Exclusive Economic Zone (EEZ) to certain fishing practices, including off the Oregon Coast, in order to protect vital habitats and ecosystem elements (Figure 1), in addition to other policies that have resulted in the rebounding of fish populations that were once depleted to low levels.

Decision-Making Processes

We observe a dissonance that exists between the Council's fisheries management process and BOEM renewable energy planning process. The Council process aims for a systematic approach that considers scientific information, stakeholder needs and values, and the legal parameters given to us by Congress to develop robust policies. Policy tradeoffs – should any exist – are identified and thoroughly evaluated before the Council makes decisions. In contrast, we have concerns that BOEM's decision making regarding areas for wind energy development are made prior to considering the needs of communities, fish populations, important habitats, and impacts to the ecosystem. These factors are taken into account after BOEM has narrowed focus to a particular area of the ocean. This situation is exemplified by the fact that in OSW energy development, full environmental analyses are not conducted until after renewable energy lease sites have already been granted. In other words, in BOEM's process large portions of the ocean are leased to private wind energy interests *before* the impacts to the natural and human environments have been fully analyzed. The goal of multiple compatible ocean uses existing in parallel is highly unlikely with the BOEM approach.

Specific Comments Regarding Call Areas

Regarding the two Call Areas off the Oregon Coast (Coos Bay and Brookings), there are multiple constraints to OSW siting that combine to greatly reduce the suitability of both Call Areas for OSW development. The U.S. Department of Defense declared the majority of the Coos Bay Call Area off limits to OSW development (Figure 2), both areas are heavily utilized by commercial and recreational fishing sectors (Figure 3), and both areas are ecologically rich, supporting fish, invertebrates, birds, and marine mammals. The rich ecology and presence of highly important habitats in the area led the Council to designate several Essential Fish Habitat Conservation Areas (EFHCAs), which protect the seafloor from bottom trawling. The EFHCAs support the ecological functions of the marine environment, which in turn support commercial and recreational fishing activities and fishing-dependent coastal economies. Although there is limited direct overlap between the Call Areas and the EFHCAs, there are several EFHCAs immediately adjacent to the Call Areas, and would certainly be subject to impacts from OSW energy development (Figure 4).

One early step in BOEM's Oregon OSW planning process was to identify a Wind Planning Area (Figure 5), which limited the scope of potential OSW development to areas shallower than 1300 meters. The rationale for this was that current technology limited floating OSW to that depth range. However, based on several conversations with ocean energy developers, the 1300-meter depth barrier is not necessarily prohibitive to floating OSW development. Indeed, new Call Areas off the U.S. East Coast extend to depths of 2600 meters. This again illustrates the flaws in the OSW

planning process, i.e., the areas identified for OSW development are artificially limited based on outdated or incorrect information.

Specific Council Recommendations

The Council supports efforts to reduce carbon emissions, and we recognize that the oceans are already being impacted by climate change. However, a flawed OSW planning process exacerbates impacts to fish, habitats, and coastal communities, and likely places an unequitable burden upon fishing communities by asking them to bear the cost of an energy transition. We suggest that a holistic approach to OSW energy planning is a better way to identify areas for potential alternative energy siting, and to minimize impacts to natural and human resources. By taking a step back, we can collectively evaluate the interdependence of various fisheries and other user groups, and how they would be impacted by OSW energy development. Only after this has occurred should OSW planning areas and Call Areas be designated. Spatial suitability modeling, such as that developed by the National Centers for Coastal Ocean Science (NCCOS) is being employed to identify WEAs within the Oregon Call Areas. The Council appreciates BOEM's willingness to use the NCCOS modeling approach, however that modeling process should be employed from the beginning of BOEM's process, when broader wind planning areas are being identified, rather than waiting until late in the OSW planning process.

At its March 2023 meeting, with the concerns described in this letter in mind, the Council held an agenda item specifically to discuss the current state of OSW planning in Oregon, and to consider the urgent concerns of the fishing community, the scientists who collect and compile fisheries and economic data, and input from the public. The Council requests that the current Brookings and Coos Bay Call Areas be rescinded, and that BOEM not proceed with issuance of draft WEAs at this time. Rather, the Council requests that BOEM restart the process to identify Call Areas and consider all waters off Oregon from 12 miles offshore and beyond, including waters that are greater than 1,300 meters in depth. BOEM should use spatial planning tools to minimize siting impacts to fisheries and ecosystem resources. BOEM should exclude from further consideration all offshore banks and seamounts and require an adequate buffer zone surrounding them as determined by collaborative work by partners including Council, ODFW, NMFS, and NCCOS.

In conclusion, a more deliberative process for identifying potential OSW areas will certainly result in an outcome that provides a better balance of ocean uses and minimizes impacts to fisheries and coastal communities. Thank you for considering these important issues. If you have any questions, please contact the Council Executive Director, Merrick Burden (merrick.j.burden@noaa.gov).

Sincerely,

Marc Gorelnik

Pacific Council Chairman

KFG:rdd

Cc: Pacific Council Members
Susan Chambers
Mike Conroy

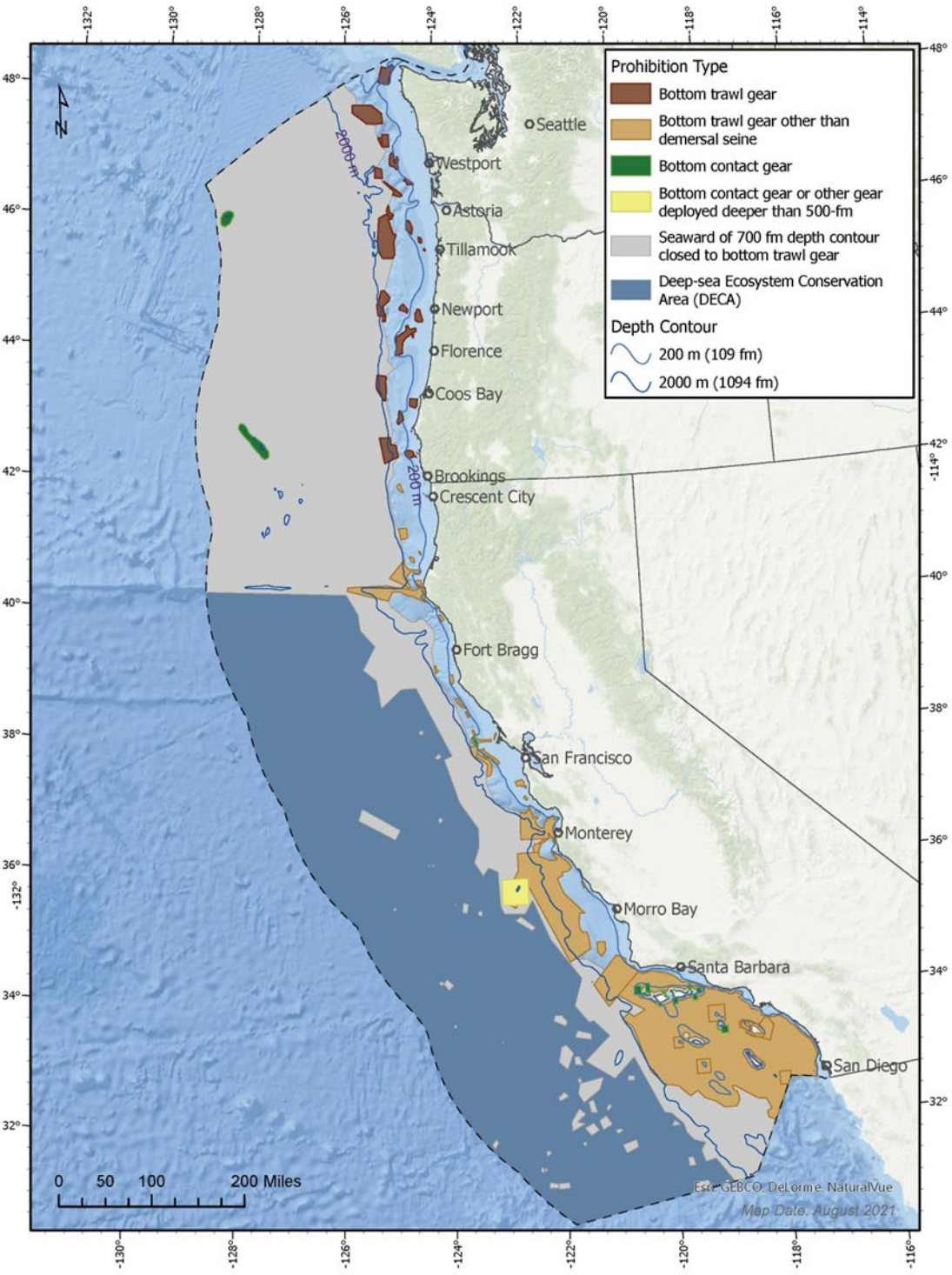

Figure 1. Bottom trawl and bottom contact closures in the U.S. West Coast EEZ described in Pacific Coast Groundfish regulations as of 2023 (50 CFR Part 660 Subpart C).

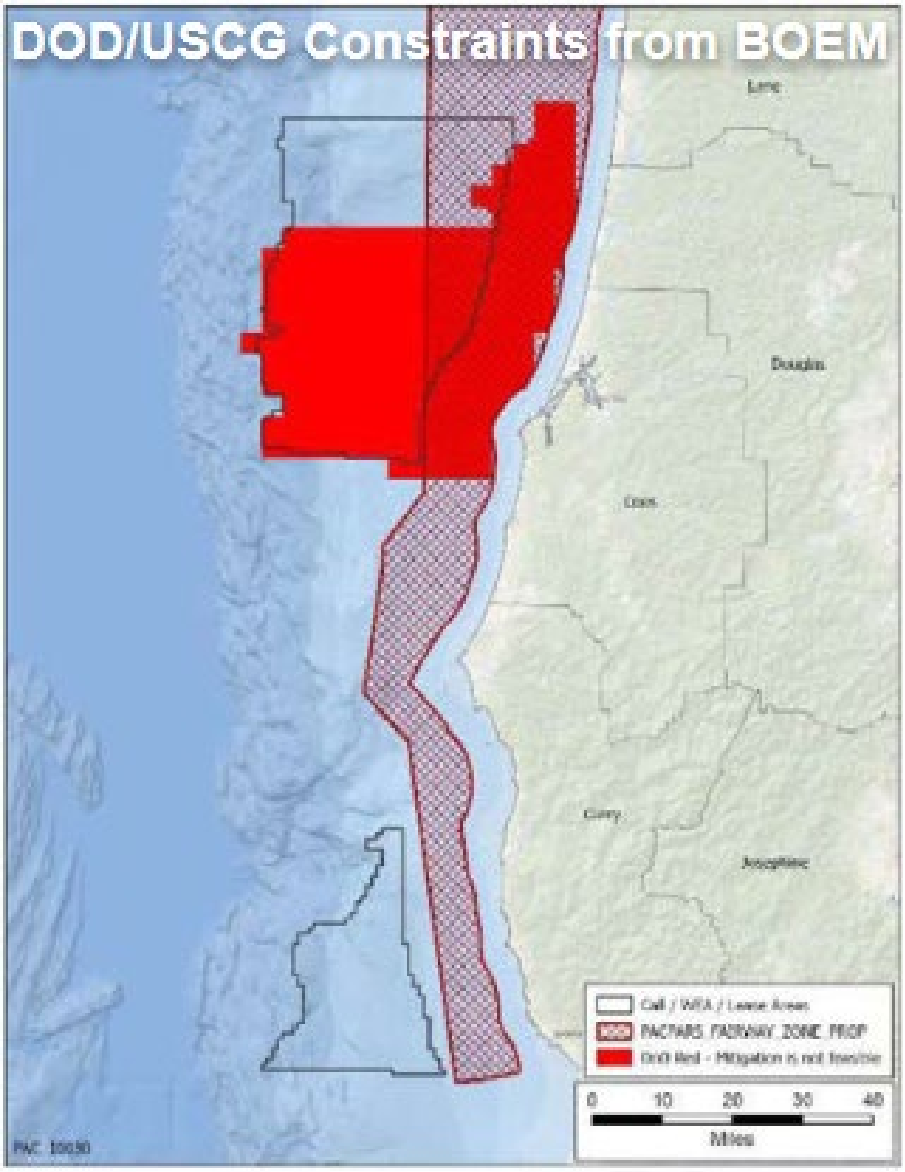

Figure 2: U.S. Department of Defense constraint overlaid on the Coos Bay Call Area.

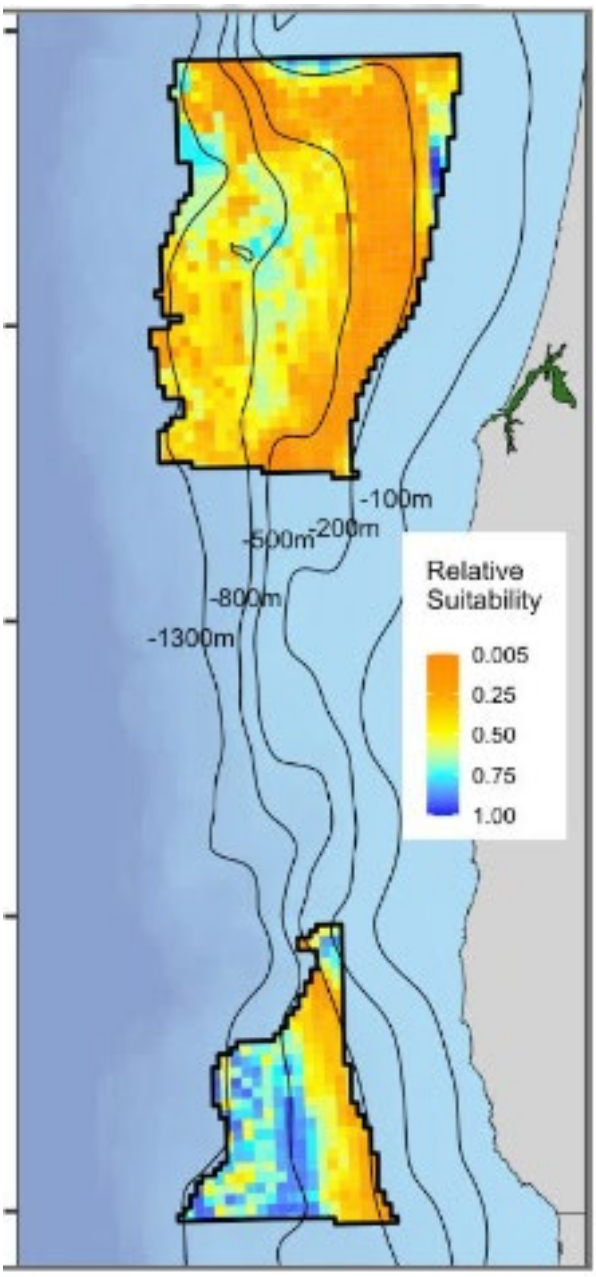

Figure 3: Heat map depicting suitability based on fishing effort and revenues within the Coos Bay and Brookings Call Areas.

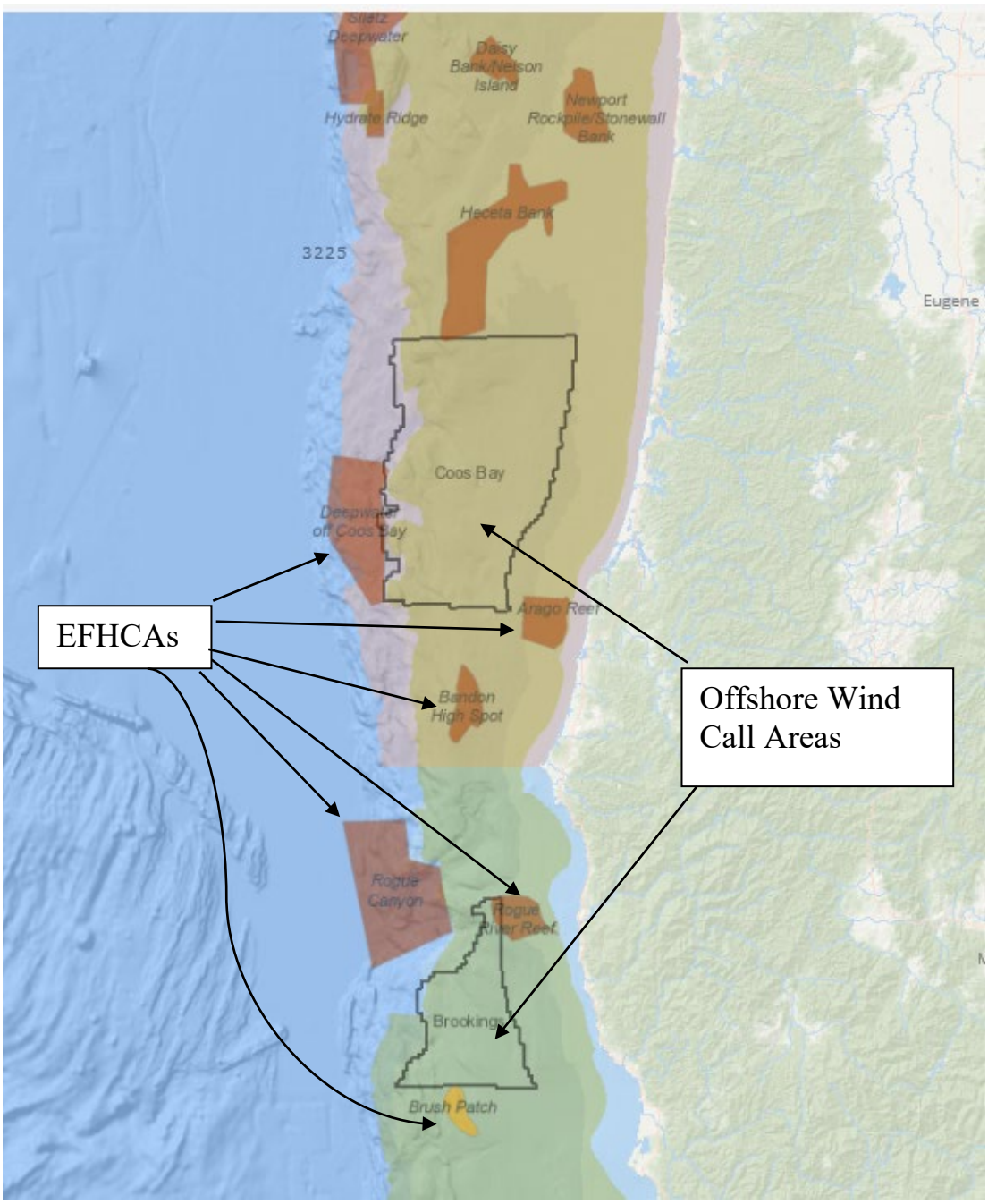

Figure 4: Essential Fish Habitat Conservation Areas (EFHCAs) partially overlapping and adjacent to the Coos Bay and Brookings Call Areas. Bottom trawl fishing is prohibited in EFHCAs to protect important habitats.

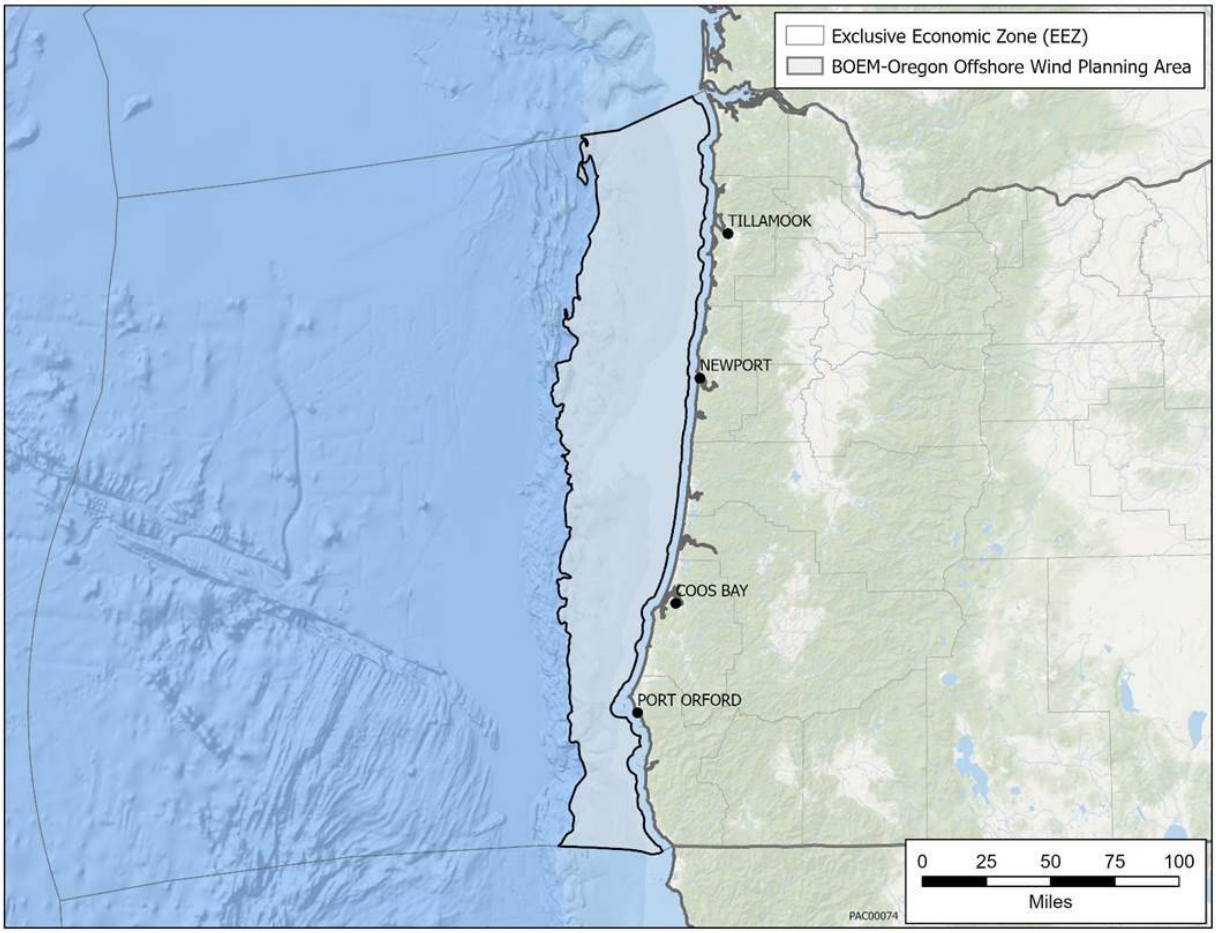

Figure 5: BOEM offshore wind energy planning area (light grey)