

MARINE PLANNING COMMITTEE REPORT ON MARINE PLANNING UPDATE

The Pacific Fishery Management Council's (Council) Marine Planning Committee (MPC) met online on May 18, 2023, to discuss and consider recent and pending offshore wind (OSW) energy activities and issues on the Pacific Coast. This report summarizes the presentations and provides a summary of national, state, and tribal updates.

Remarks by Katie Westfall

Katie Westfall, the new National Oceanic and Atmospheric Administration (NOAA) Fisheries Service Senior Advisor on OSW to Janet Coit (Assistant Administrator for Fisheries) joined the meeting to introduce herself and her new role. Katie is focused on coordinating across federal agencies and working with developers, the fishing industry, states, Tribes, and others to develop and deepen partnerships at the regional and national levels. She'll also be looking at ways to improve the efficiency of the National Marine Fisheries Service's (NMFS) role in the offshore wind permitting process. She provided some national updates on budget and survey mitigation, and noted that Janet Coit's priorities for OSW include spatial planning, education about NMFS' regulatory processes, and bolstering NMFS' scientific capacity to address OSW issues. She is getting up to speed on West Coast OSW issues and invited people to reach out to her at katherine.westfall@noaa.gov. She heard from the MPC about tribal concerns with OSW development, including concerns about cumulative impacts, impacts on upwelling and oceanographic processes, larval fish distributions, and that the Tribes are asking for OSW development to slow down to address these concerns.

California Updates

The MPC received updates from three California State Agencies:

- The [Coastal Commission](#) provided an update on the five leases off the California Coast;
- The [State Lands Commission](#) provided an update on the status of the pilot OSW projects proposed in State waters off Vandenburg Space Force Base; and
- The [Energy Commission](#) provided an update on its efforts in identifying suitable sea space for future OSW development to meet the State's planning goals.

California Coastal Commission (CCC)

Ms. Holly Wyrer, senior environmental scientist, described CCC's role in the OSW process under the auspices of the Coastal Zone Management Act. CCC has two opportunities to exert its authority. The CCC will consider the Bureau of Ocean Energy Management's (BOEM) request for a Consistency Determination prior to the lease stage; and later will consider a request for a Consistency Certification during the Construction and Operations Plan review process.

As the MPC reported last year, when the CCC conditionally concurred on BOEM's request for a Consistency Determination, it included a number of conditions. One of those, Condition 7, was specifically designed to address impacts to fishing and fishing communities. Appendix 1 to this Report replicates that Condition. Of particular interest is the requirement for BOEM to work with the CCC to develop and facilitate a working group that includes representatives of different fisheries and gear types, both in the commercial and recreational sectors from different regions

and ports in the state. MPC members encouraged the CCC to include processing community representation in the working group. The working group’s goal is development of a statewide strategy for avoidance, minimization and mitigation of impacts to fishing and fisheries, with the priority being long term fisheries resilience. Mitigation to include potential forms of compensatory mitigation.

The intention is to seek nominations for the working group within the next month and to hold its first meeting in August. Fishery industry participants in the working group will be compensated for participating. MPC members will pass along the nomination forms through their respective ABs when they are available.

Noting that marine resources migrate through the lease sites on their journey to and/or through Oregon and Washington it may be appropriate to include out-of-state seafood industry and tribal voices as well.

State Lands Commission (SLC)

Mr. Jason Ramos, project manager for the Environmental Impact Report for the [CADEMO](#) Offshore Wind Project, provided CADEMO updates. Originally, there were two pilot projects, each with four floating turbines, proposed in the same vicinity. BW Ideol has since withdrawn its application. The proposed footprint of the CADEMO project is depicted below:

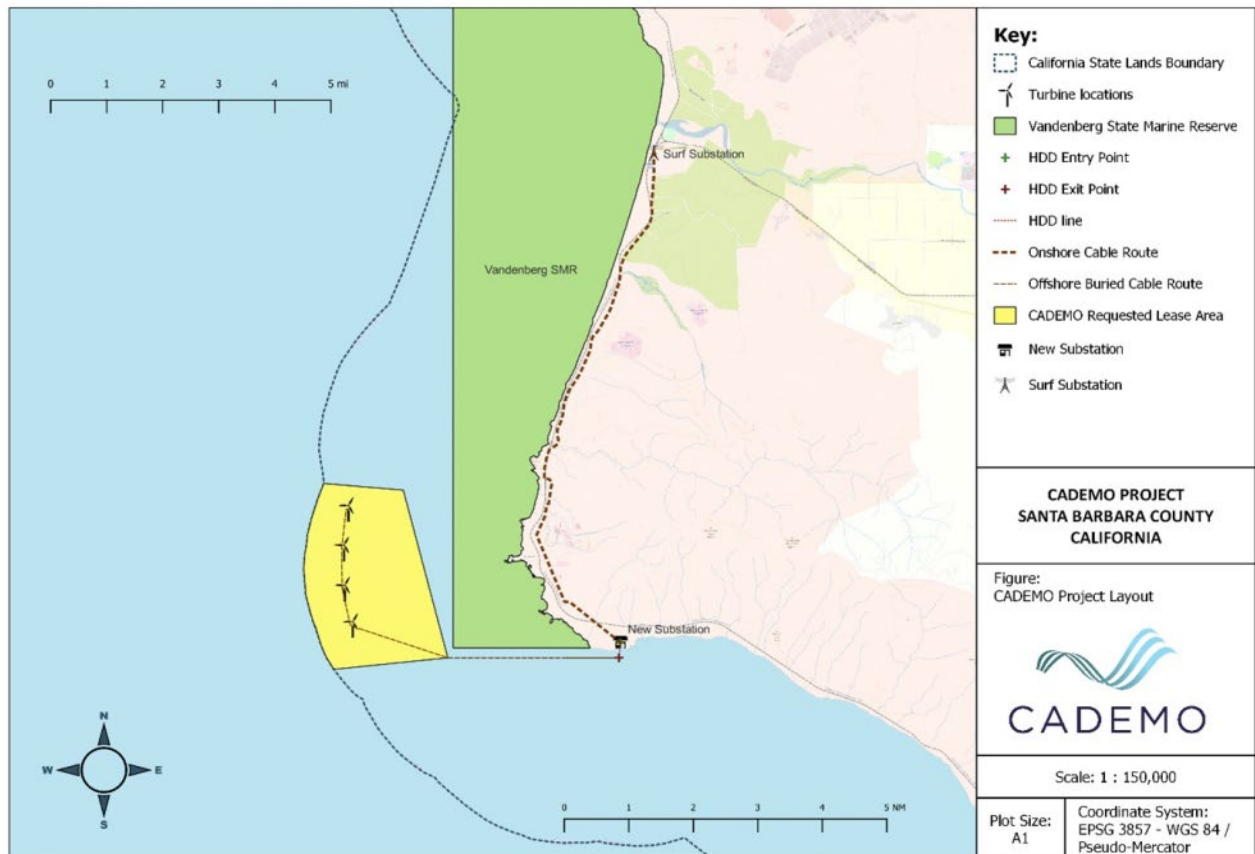


Figure 1: Location of CADEMO project.

It is proposed as a demonstration project. At a minimum, the project applicant is proposing to demonstrate two types of floating platform technology. The project goals and objectives will be more fully developed when the Notice of Preparation is released (see below). The project originally considered using Port Hueneme as its operations support base, and is now considering the Port of San Francisco for construction of the floating platforms and the Port of Los Angeles for integration of the wind turbines with the floating platforms. A high-level overview of the timeline for applications for OSW projects in California waters is depicted below.

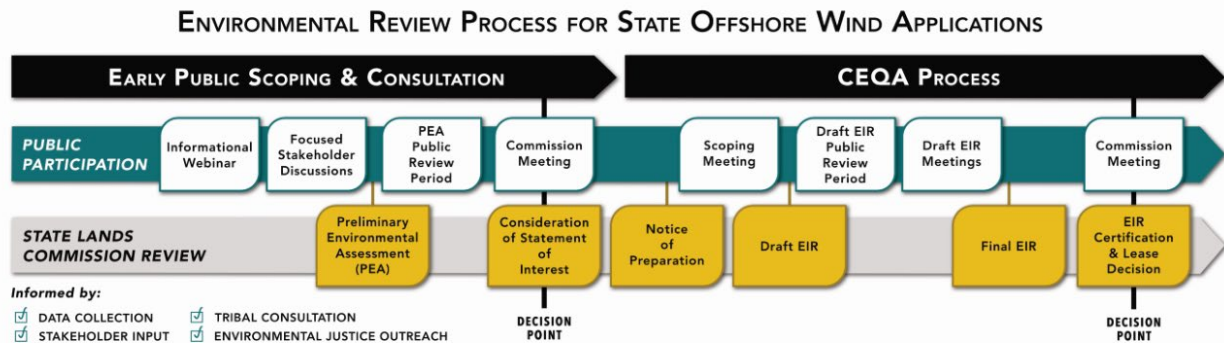


Figure 2: Environmental review process for California state offshore wind applications.

The SLC has completed the items under early public scoping and consultation. The Council submitted a [comment letter on the Preliminary Environmental Assessment \(PEA\) in September of 2021](#). SLC is currently working on developing a Draft Environmental Impact Report (DEIR) for the project as it begins the California Environmental Quality Act environmental review process. Efforts are underway to enter into an agreement with the Space Force Base to prepare joint environmental documents. Whether the NEPA document is an environmental assessment (EA), or an environmental impact statement (EIS) remains unknown at this time. Following this, the public scoping process will begin.

SLC will also be working with a joint review panel with the Coastal Commission and NOAA to coordinate preparation of the EIR and NEPA document(s). While no definitive timeline was offered, it is hoped the Notice of Preparation will be available for public comment before the end of the year.

MPC members had many questions for the SLC representative regarding fisheries and environmental concerns, and about the utility of the project as a demonstration of deep-water, floating technologies. Further information can be found on the [SLC offshore wind applications webpage](#).

California Energy Commission (CEC)

Mr. Scott Flint, technical and policy advisor to the Energy Commission’s Siting, Transmission and Environmental Protection Division, provided an update and next steps on the CEC’s activities related to [California Assembly Bill 525](#). AB 525 charges the CEC, in coordination with specified agencies, to develop a strategic plan for offshore wind energy developments installed off the California coast in federal waters. A listing of engagement opportunities offered by the CEC, some of which occurred prior to the posting of the June Advanced Briefing Book, is included at the end

of this section.

There are two primary components to the CEC's work on OSW in the marine space, which are interrelated but separate:

- (1) The State agencies are working with BOEM on the five leases off the California coast. This begins, in earnest, with site characterization work which will lead to development plans within a couple of years of the site characterization work being completed; and
- (2) A planning exercise for development of large-scale OSW off the California coast

AB 525, broadly, raised a number of important questions related to development of the offshore wind industry in federal waters off California. Among the most critical were assessments of what would be needed for transmission, the needs of California's ports, and identification of other areas in the ocean that would help support the development of OSW (and the potential impacts of that). The CEC's presentation was focused on identifying suitable sea space to accommodate the state's 2045 OSW planning goal of 25GW.

In identifying suitable sea space, AB 525 requires consideration of impacts to coastal resources, fisheries, Native American and Indigenous peoples, and national defense, and strategies for addressing those potential impacts.¹ "Coastal resources" is being interpreted broadly to include biology, ecology and ecosystem functionality. It was acknowledged that information being utilized is often inconsistent and incomplete and data gaps exist.

In looking at sea space, and with encouragement by developers, the CEC is looking up to 2900m in depth while also considering what may be deployable, feasible, and cost-effective by the 2045 timeframe.

The MPC was shown slides² depicting the CEC's present understanding of:

1. California's offshore wind resource;
2. The OSW resource off the North Coast between the California-Oregon border and the northern boundary of the Gulf of the Farallones National Marine Sanctuary;
3. Suitable Sea Space off the North Coast that meets certain needs for OSW and some work to identify conflicts closer to shore;
4. Sea Space off the North Coast and commercial fishing conflicts. The analysis has been simplified as the CEC has neither the time nor the budget to do anything more specific. CEC is also using similar information to analyze sea space needs for marine mammals, sea birds, the Department of Defense, and shipping;
5. Suitable Sea Space off the Central Coast. These areas are to the north of the current lease sites;
6. Sea Space off the Central Coast and commercial fishing conflicts; and

¹ California Public Resources Code §25991.1(b)(12).

² The CEC slides were not available, and the MPC anticipates these slides will be included in a Supplemental MPC Report.

7. Sea Space Technical Characteristics and Generation Potential. Including the five areas identified off the North Coast and the one off the Central Coast, there is a potential to generate 30 to 50 GW of energy.

MPC members asked the CEC to consider the entire lifecycle needs of important commercial and recreational stocks. Understanding nursery locations as well as other areas important during a fish stock's lifecycle needs to be captured and included in the analysis. When full lifecycles are understood, implications for out-of-state fisheries may be recognized.

The CEC hosted a number of public engagement opportunities, all of which precede the June Council meeting. This includes four public CEC staff workshops; information on each of these can be found on the [CEC Events webpage](#):

- May 23 – Seaports and Workforce Development
- May 25 – Transmission
- June 1 – Suitable Sea Space and Impacts and Mitigations
- June 2 - Permitting

In addition, six fisheries outreach and consultation opportunities are scheduled in coordination with state partner-agencies and BOEM. Two of these will be virtual (June 5 and June 20 from 3 – 6pm) and four will be in-person meetings:

- June 8 (1 – 4pm) – Morro Bay, Veterans Hall
- June 13 (3 – 6pm) – Crescent City, Crescent Lodge No. 45
- June 14 (3 – 6pm) – Eureka, Wharfinger Building
- June 15 (3 – 6pm) – Fort Bragg, Caspar Community Center

Other items of interest from California

- The California Coastal Commission held a briefing on OSW on May 11, 2023. A series of science presentations outlined what is known, but also the many unknown effects of OSW on marine mammals, fisheries, and the ecosystem. A presentation on the effects of OSW on fisheries provided the Commission with a list of 37 socioeconomic impacts, including potentially significant environmental impacts, all of which create a deep sense of foreboding among fishers and processors. The fisheries representative called on the Commission to utilize the first five leases granted offshore California as a demonstration project, and to pause any award of new leases until more is known about the impacts of industrializing the ocean. [The briefing can be viewed beginning at about 5 minute, 42 second mark of the recording](#). Since this was only a briefing, the Commission took no action.
- The [California Legislature's Joint Senate and Assembly Committee on Fisheries and Aquaculture](#) held a hearing on May 17, 2023, titled: "Change is in the Wind; The Future of Fisheries and Offshore Wind Energy in the Golden State." The meeting agenda called for presentations from the OSW industry and ENGO speakers from Audubon and Defenders of Wildlife, and the Yurok Tribe. A panel entitled, "Can commercial fishing and OSW co-exist?" featured three fishing representatives, each of whom emphasized impacts to fisheries and how little is known about ecosystem effects from large-scale wind farms. These representatives

called on the state and BOEM to slow the approval process until more is known. [A recording of the hearing is available for streaming.](#)

- Two bills in the State legislature are worth mentioning:
 - [California Assembly Bill 80](#) would require the state's Ocean Protection Council, in coordination with other unspecified state and federal agencies, to create a West Coast Offshore Wind Science Entity to coordinate and oversee the scientific research and monitoring that decision-makers need ahead of and during the development of offshore wind energy.
 - [California Senate Bill 286](#) seeks to streamline the state's approval process for OSW development. It also would create a state-managed compensation-mitigation fund for fishermen's claims and to establish resiliency within the fisheries. A small number of commercial fishing representatives from California will be working with the Bill's author on potential amendments.

Oregon Updates

Oregon Call Areas Update

Based on Council discussion during the March 2023 meeting, the Council sent a quick response letter to BOEM Pacific Regional Director Doug Boren and Oregon Governor Tina Kotek on April 6 requesting that BOEM rescind the existing Oregon Call Areas and not proceed in issuance of draft Wind Energy Areas at this time. The MPC discussed that there has been no official response received from BOEM or the Governor.

Oregon Legislation Update

The MPC also discussed Oregon-based legislation that is in progress and pertinent to the work of the MPC including Senate Bill 678 (SB 678), House Bill 2534 (HB 2534), House Bill 3382 (HB 3382).

- [SB 678](#) establishes state policy that the benefits from offshore wind energy development go to local and regional communities, ecosystems and environments and economies and that interconnection of offshore energy projects be carried out in manner that promotes electric grid reliability and resilience. This bill requires the Governor to identify state priority bidding credits to be used in BOEM's multiple-factor auction format for awarding offshore wind leases.
- [HB 2534](#) requires the state Department of Energy (ODOE) to develop comprehensive state energy strategy that identifies optimized pathways to achieving state's energy policy objectives. This bill requires ODOE to engage with state agencies, federally recognized Indian tribes and stakeholders in developing state energy strategy.
- [HB 3382](#) provides for an exception to Oregon's land use planning goal in estuaries for development in certain circumstances. On May 15, the Council sent a response letter Oregon Representative [Boomer Wright](#) in relation to his request for [comment on this bill](#) (April 2023 Agenda Item F.5, Supplemental Attachment 2). This bill was, at the time this report was submitted to the briefing book, in the work session phase of the legislative process and had several amendments.

Oregon Policy Development

Representatives of the Ocean Policy Advisory Council's [working group](#) for *Part 4 of the Territorial Sea Plan: Uses of the Sea Floor* reported to the MPC that the Working Group has concluded most of its work. The Ocean Policy Advisory Council was scheduled in May to review the progress and make additional recommendations prior to the Working Group finishing its work over the summer. OPAC will approve the package in the fall and forward it to the Land Conservation and Development Commission (LCDC). Once the package receives LCDC approval, state staff will begin the rulemaking process.

Washington Updates

There were no updates available on the status of the two unsolicited lease requests for areas off Washington at the time of the May 18 MPC meeting. The [Washington Coastal Marine Advisory Council](#)'s (WCMAC) Offshore Wind Technical Committee continues to meet and consider information and data needs expected for offshore wind planning. The WCMAC will hear an update on the committee's activities at its June 14 meeting. The agenda for the meeting is pending but will be held in person at the Port of Grays Harbor with an option for virtual participation.

Tribal Update

NAS Committee on Offshore Wind

The BOEM-sponsored National Academies of Sciences, Engineering and Medicine's [Standing Committee on Offshore Wind Energy and Fisheries](#) (NAS Committee) met in person on April 26 and 27 in Washington, D.C. MPC member Steve Joner is a member of the NAS Committee and gave a presentation on the Northwest treaty tribes and their interest and concerns with the development of offshore wind energy in the California Current Ecosystem. The committee will focus on cumulative ecosystem impacts at the next meeting. The committee currently has a short term contract with BOEM and a long term contract is being developed. BOEM gave a number of presentations to the committee including the role of the Bureau of Safety and Environmental Enforcement (BSEE) in the development and operation of OSW energy. The committee is now working on topics for future meetings and its priorities in addressing OSW energy development.

Tribal activities

Tribal staff has continued to interact with BOEM and now BSEE has joined the conversation. On May 17, tribal staff met by webinar with BOEM and BSEE to discuss tribal comment on BOEM's renewal energy modernization rule in preparation for government-to-government consultation on the rule. BSEE informed staff they will host a virtual roundtable discussion on June 26, 2023, with interested tribes to discuss their tribal engagement program and some of their key initiatives. Also, BSEE provided information on the regulation on lease cancellation if, after certain procedures, the Secretary of the Interior determines it would cause serious harm or damage to natural resources.

Some but not all of the Northwest tribes participated in the late April BOEM webinar on draft Oregon WEAs, which included a presentation on the National Centers for Coastal Ocean Science site suitability models.

Tribal resolution

The Affiliated Tribes of Northwest Indians (ATNI) recently passed a [resolution](#) addressing offshore wind energy, asking that the Department of Interior and BOEM take immediate action to develop

a comprehensive and transparent procedure that adequately protects tribal environmental and sovereign interests, and requesting that until this procedure is developed and implemented, all scoping and permitting for offshore wind projects be halted. The ATNI resolution follows the resolution earlier this year by the National Council of American Indians.

PFMC
05/26/23

Appendix 1: California Coastal Commission Condition 7 to its Conditional Concurrence on BOEM's request for a Consistency Determination to conduct lease sales in federal waters off the California coast

Impacts to Fishing and Fishing Communities:

- a. BOEM will require lessees to have an independent fisheries liaison that is responsible for the coordination and communication of site activities with affected commercial and recreational fishing communities and harbor districts, including development and implementation of survey and sampling and analysis plans. The fishing liaison will work with fishing communities and the harbor districts to coordinate survey and other activities and to develop a process for reporting and remediating conflicts between mariners and survey vessels/equipment. Lessees and fishing communities (including harbor districts) may choose to develop a signed/formal agreement that can be amended to reflect subsequent analysis and discussion between the fishing industry (entity as described below) or harbor district and developers on mechanisms for addressing impacts to commercial fishing.
- b. BOEM will require lessees to submit reports on process, outreach, and outcomes of engagement with fishing communities and harbor districts and will provide copies of these reports to the Commission. All documents and analysis will be made publicly available and readily accessible, to the maximum extent practicable.
- c. BOEM will work with the Commission and other state and federal agencies to develop and facilitate a working group consisting of fishing organizations and representatives from different regions/ports of the state, representing different fisheries and gear types, and in both the commercial and recreational sectors, lessees and state and federal agency staff. The working group will develop a statewide strategy for avoidance, minimization and mitigation of impacts to fishing and fisheries that prioritizes fisheries productivity, viability, and long-term resilience. The strategy should include protocols for communication, best practices for surveys and data collection, a methodology for comprehensive socioeconomic analysis of direct and indirect impacts to fishing, a framework for compensatory mitigation for unavoidable impacts, and a Fishing Agreement template that memorializes the elements of the strategy. The strategy should include specific consideration for those fisheries that are disproportionately and/or directly affected by offshore wind development.