

Draft Comment Letter to the Bureau of Ocean Energy Management on Notice of Intent to Prepare an Environmental Assessment for Commercial Wind Leasing and Site Assessment Activities off the Southern Oregon Coast

Regional Supervisor
Office of the Environment
Bureau of Ocean Energy Management
760 Paseo Camarillo Suite 102
Camarillo, CA 93010

Re: Notice of Intent to Prepare an Environmental Assessment for Commercial Wind Leasing and Site Assessment Activities on the U.S. Outer Continental Shelf Offshore Oregon; Docket No. BOEM-2023-0065

To Whom it May Concern:

On February 14, 2024, the Bureau of Ocean Energy Management (BOEM) published in the *Federal Register* a Notice of Intent (NOI) to prepare an environmental assessment (EA) related to the issuance of wind energy leases in the Final Wind Energy Areas (WEAs) off the Southern Oregon Coast. The EA will consider project easements and grants for subsea cable corridors associated with leasing, and requests information on the scope and impacts of site assessment and characterization activities. The NOI also solicits information on important environmental issues and alternatives that should be considered.

In prior comment letters regarding offshore wind planning off Oregon, the Pacific Fishery Management Council (Council) has requested a deliberative approach to activities which will result in lease sales. The major concerns expressed in those letters remain unaddressed and we therefore express serious disappointment over BOEM's decision to finalize the WEAs. The Council remains concerned about the truncated timeline being applied to leasing activities off the Southern Oregon coast in light of the significant uncertainties and data gaps associated with site assessment and site characterization in deeper waters off the west coast and efforts within the State of Oregon to consider and establish standards for offshore wind energy. With those objections noted, the Council offers the following comments in response to the NOI.

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) charges the Council with sustainably managing West Coast fisheries, which includes conserving and enhancing habitats in support of sustainable fisheries and managed species. The Council develops management actions and fishery management plans (FMPs) for Federal fisheries off Washington, Oregon, and California, and is required to achieve optimum yield for federally managed fisheries, which requires safeguarding these resources, their habitats, the ecosystem, and the fishing communities that rely on them.

In support of sustainable fisheries, the MSA requires the Council and NMFS to identify and describe essential fish habitat (EFH), defined as “*those waters and substrate necessary to fish for the spawning, breeding, feeding, or growth to maturity*”¹ for fish species managed under an FMP. The

¹ 16 U.S.C 1802(10)

MSA further requires Councils to minimize to the extent practicable adverse effects on such habitat caused by fishing and non-fishing activities, and to identify other actions to encourage the conservation and enhancement of such habitat. The EFH regulatory guidance (50 CFR 600.815) states that FMPs should identify Habitat Areas of Particular Concern (HAPCs), which are a subset of EFH designed to highlight habitats based on one or more of the following considerations: the importance of the ecological function provided by the habitat; the extent to which the habitat is sensitive to human-induced environmental degradation; whether, and to what extent, development activities are, or will be, stressing the habitat type; the rarity of the habitat type.

EFH for groundfish includes rocky reefs, canyons, methane seeps, coral/sponge habitats, sand/mud substrate, submerged aquatic vegetation, estuaries, and other habitats necessary for groundfish species. Detailed descriptions of these habitats and their use by groundfish species can be found in the [Appendix B Part 2](#) of the Council's Pacific Coast Groundfish FMP. The Council established HAPCs for groundfish based on rocky reefs (defined as waters, substrates and other biogenic features associated with hard substrate), canopy kelp, seagrass, estuaries, and "Areas of Interest" (e.g., unique seamounts and canyons, or other identified conservation areas). Based on the MSA requirement to identify fishing and non-fishing actions that could adversely affect the EFH of FMP species, the Council established numerous spatially discrete EFH Conservation Areas (EFHCAs) of sensitive or productive habitats where some types of bottom-contact fishing gear are prohibited. The Council also established HAPCs for salmon, including marine and estuarine submerged aquatic vegetation, estuaries, spawning habitat, complex channels, floodplain habitats and thermal refugia. There are no fishing closures associated with salmon HAPCs, but easements for cable routes or other OSW infrastructure could affect salmon HAPCs and other EFH.

The Council expressed concerns about the potential impacts of OSW development on sensitive benthic habitats and areas important to fishing in its November 2023 [comment letter](#) on the Draft Oregon WEAs. That comment letter further described areas important to fishing activities and included recommendations on areas that should be excluded from the Final WEAs. We request that letter to be incorporated by reference here.

In addition to potential interruptions to fishing activities, the Council is concerned that site survey, assessment, and characterization activities could impact available port space, especially in the Port of Brookings. BOEM should analyze the potential impacts to port space availability resulting from site survey and assessment activities. Attachment 1 describes resources potentially impacted by the activities considered under the EA, as well as supporting rationale. The Council **recommends** that the EA include the resources, impacts, and rationale listed in Attachment 1, in the scope of analysis.

Directly related to BOEM's NOI and the Final WEAs off the southern Oregon Coast, the Council remains concerned that OSW development in the aliquots we requested to be removed will impact areas of importance to habitats, fishing, and the broader ecosystem. The November 2023 comment letter includes maps of specific aliquots the Council requested to be excluded from the WEAs, based on the importance to fishing, habitat, and the marine ecosystem. We **recommend** that these aliquots be excluded from future lease areas, because of the likelihood of impacts to important habitats, fishing, and the ecosystem. The maps are included in Attachment 2.

Sensitive habitat resources include habitat forming invertebrates (e.g., deep-sea corals and sponges), rocky reefs (including bedrock, boulder, cobble, and carbonate outcrops), canyons, banks, and methane seeps, which occupy areas of the WEAs. The proximity of the Final WEAs to Heceta Bank and the Brush Patch EFHCAs is still a primary concern for the Council. As previously noted, cable corridors could impact important habitats within and outside lease areas, including ports, and areas with important habitats such as estuaries and eelgrass. Therefore, the potential impacts of easements and future cable siting on habitats, fish species, and fishing activities should be included in the scope

of analysis. The EA should analyze different cable burial depths and methods (e.g., directional drilling, trenching, etc.), and lease conditions should require specified burial depths and methods.

The Council **recommends** that BOEM include an alternative that requires fine-scale habitat characterization of existing and new multibeam mapping data (i.e., CMECS habitat maps and bottom topography) to be completed before any bottom-contact site characterization or assessment activities (e.g., drilling, large coring, boring, large equipment anchoring, transponder positioning devices, etc.) commence in the WEAs and potential cable corridors. This will allow for the identification of previously unmapped sensitive habitats that should be avoided during subsequent bottom-contact activities. Visual observation surveys should also be conducted where sensitive habitats are indicated in the habitat maps, to ensure precision regarding areas to avoid. Aliquots (or portions therein) containing sensitive habitats should be excluded from lease areas, and site characterization/assessment activities involving bottom contact should not be conducted in those areas.

We appreciate consideration of these issues as BOEM develops its Environmental Assessment for site survey, characterization, and assessment activities and lease issuance. Please contact Mr. Kerry Griffin (kerry.griffin@noaa.gov) of my staff with any questions.

Sincerely,

Brad Pettinger
Pacific Council Chair

KFG:

Enclosures:

Attachment 1: Table describing areas of potential impacts and activities recommended for inclusion in the scope of the EA.

Attachment 2: November 2023 maps depicting aliquots recommended for removal from draft WEAs.

Cc: Pacific Council Members
Mike Conroy
Susan Chambers
Correigh Greene
Scott Heppell

Attachment 1: Areas of Potential Impacts to Include in the Environmental Assessment Scope and Impacts Analysis

Resources/Area of potential impact	Description and potential impacts
Recreational fishing activities	Recreational fishing (for albacore tuna, salmon, Pacific halibut, rockfish, etc.) may be affected by site characterization activities, especially in terms of transit to and from fishing grounds. Recreational fishing is an important economic driver in both Coos Bay and Brookings and should be included in the scope of analysis of impacts. The EA should include fishing locations, number of trips, revenues and revenue multipliers, in the analysis of impacts.
Benthic habitat	Hard substrate areas (e.g., rocky reef, carbonate deposits), methane seeps, and coral/sponge habitats are present in some parts of both WEAs. These habitats may be sensitive to seismic testing, drilling, or other site characterization activities, and should be avoided, as should EFHCAs and HAPCs, both of which indicate especially important habitat for dozens of species of groundfish and other fishery resources and provide ecosystem services. Buffers should be established around EFHCAs, HAPCs, and other habitats described in this letter.
Whale and bird migrations	The high use of much of the shelf and shelf break as both a foraging area and a migratory corridor is a concern. The potential for disruption of along-shore movement, especially of seabirds and marine mammals, is not well understood, and there is potential for significant impacts, especially if any seismic testing is done that could affect marine mammals. The EA scope should include characterization of migration pathways and use by birds, whales, leatherback sea turtles and other marine life. This should include characterization of timing windows for use and migration.
Commercial Fishing Activities	<p>Much of the Oregon WEAs are actively fished grounds, especially for groundfish fishermen. The center part of the Brookings area is used extensively by fixed gear (longline and pots) groundfish fishermen, for example. Trawlers, both for whiting and groundfish, may also use those areas for not only target species but also bycatch avoidance. Consideration should be given to commercial fishing activities as BOEM conducts site characterization activities.</p> <p>The Area Identification Memorandum identifies and aggregates the seven most economically important single species fisheries (at-sea fishermen and shoreside fishermen both target Pacific whiting, or hake) harvested by West Coast fishermen in and around the WEAs. ODFW and NMFS provided additional data on midwater and bottom trawl groundfish fisheries, which target a number of species at once (rockfish, flatfish, roundfish), which were not mentioned in the ID Memo but considered in the NCCOS Suitability model. This data, as aggregated, seems to avoid 98 percent of the target fisheries in recent years, but does not account for fisheries seasonality that may affect shoreside processing or ports. Nor does it account for bycatch avoidance.</p> <p>Given the WEA locations in the OCS, a depth analysis shows that commercial fisheries that typically operate closer</p>

	<p>to shore are not likely to experience notable preclusion from fishing grounds as a result of wind energy development. Such fisheries include, but are not limited to market squid, salmon, sea urchin, coastal pelagic species, pink shrimp, and Dungeness crab. However, these fisheries could be directly impacted by the granting of cable routes or other infrastructure easements. Those fisheries should be included in the scope of analysis and impacts in the EA.</p>
<p>Coastal communities and Socio-Economics</p>	<p>There is concern that future wind farms could negatively impact fishing activity, which would have ripple effects across the Southern Oregon communities. Processing plants could be forced to curtail operations and lay off employees, which would decrease economic activity and potentially the local tax base. The EA scope should include a thorough evaluation and characterization of the socio economics of the coastal communities that derive revenues from commercial fishing and processing.</p> <p>The EA should include a thorough evaluation and characterization of the socio economics of the coastal communities that derive revenues from commercial fishing and processing, and how these communities, including fisheries supportive businesses, may be impacted by the site assessment and characterization activities. There remains concern that future wind farms could negatively impact fishing activity, which would have ripple effects across the Southern Oregon communities. Processing plants could be forced to curtail operations and lay off employees, which would decrease economic activity and potentially the local tax base. We understand that this EA will not analyze wind farms construction, but this EA will provide information that will be referenced in future BOEM process steps, analysis, and decision-making; therefore, thorough socio-economic characterization of fishing communities in this EA is important.</p>
<p>Port Space Utilization</p>	<p>Some of the survey vessels used for site characterization studies are likely larger than the Port of Brookings can accommodate but for which the Port of Coos Bay, a deep-draft harbor, is adequate. Humboldt Bay, in Northern California, may also accommodate large survey vessels, but has limited space. However, the dockside space and bar crossing requirements for these vessels may affect fishing activities, especially during winter weather. The EA should consider site characterization effects on ports and dockside space fishermen need to prosecute their fisheries.</p>

Attachment 2: Figures from the Council’s November 2023 comment letter on Draft Oregon Wind Energy Areas, depicting aliquots recommended for exclusion from Final WEAs. Figures 3 and 4 depict aliquots overlapping with important fishing areas. Figures 5 and 6 depict aliquots (black outline) overlapping with important habitat areas.

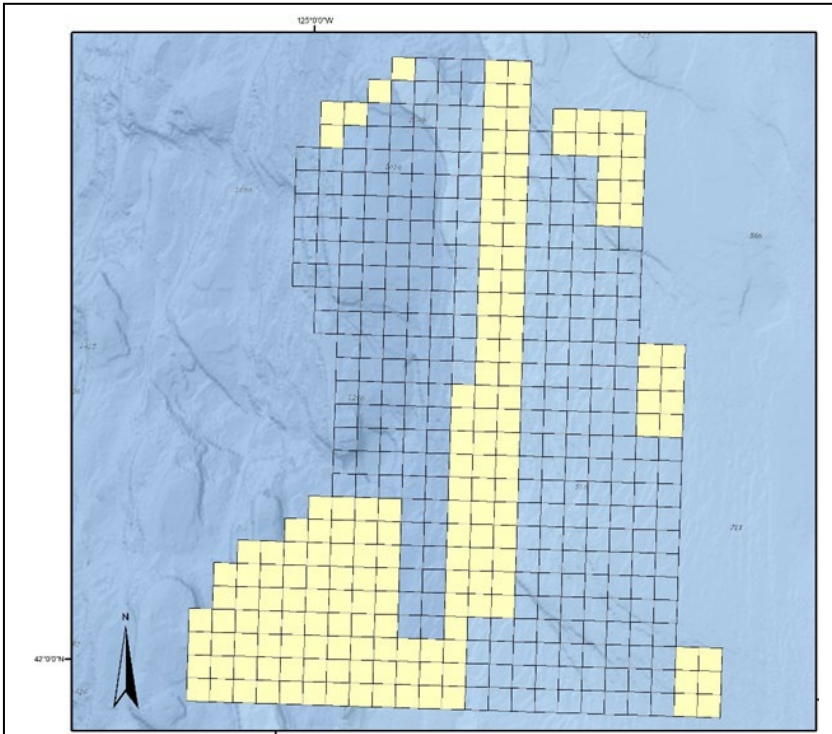


Figure 3: Draft WEA B (Brookings) aliquots recommended for potential removal to minimize impacts to fishing activities.

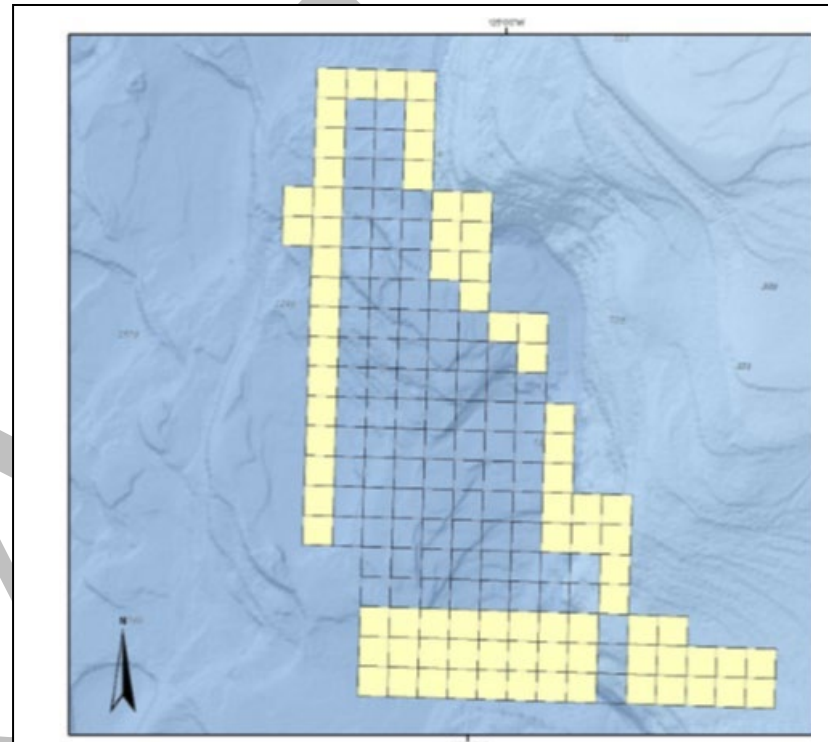


Figure 4: Draft WEA A (Coos Bay) aliquots recommended for potential removal to minimize impacts to fishing activities.

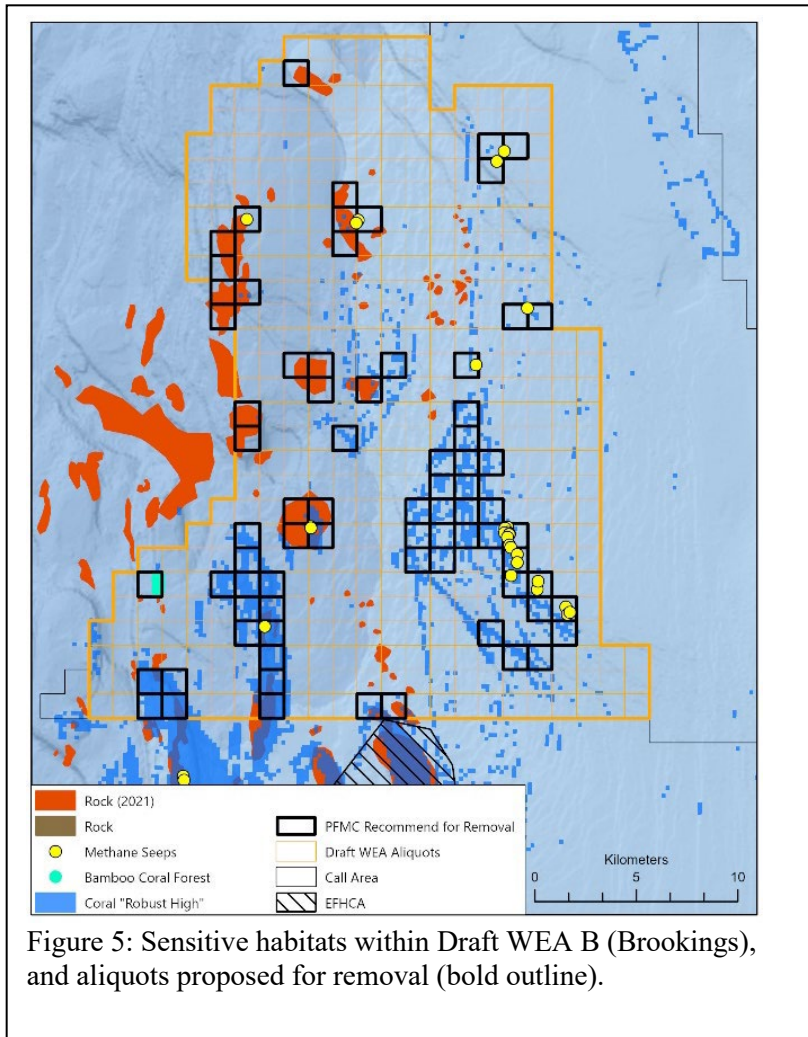


Figure 5: Sensitive habitats within Draft WEA B (Brookings), and aliquots proposed for removal (bold outline).

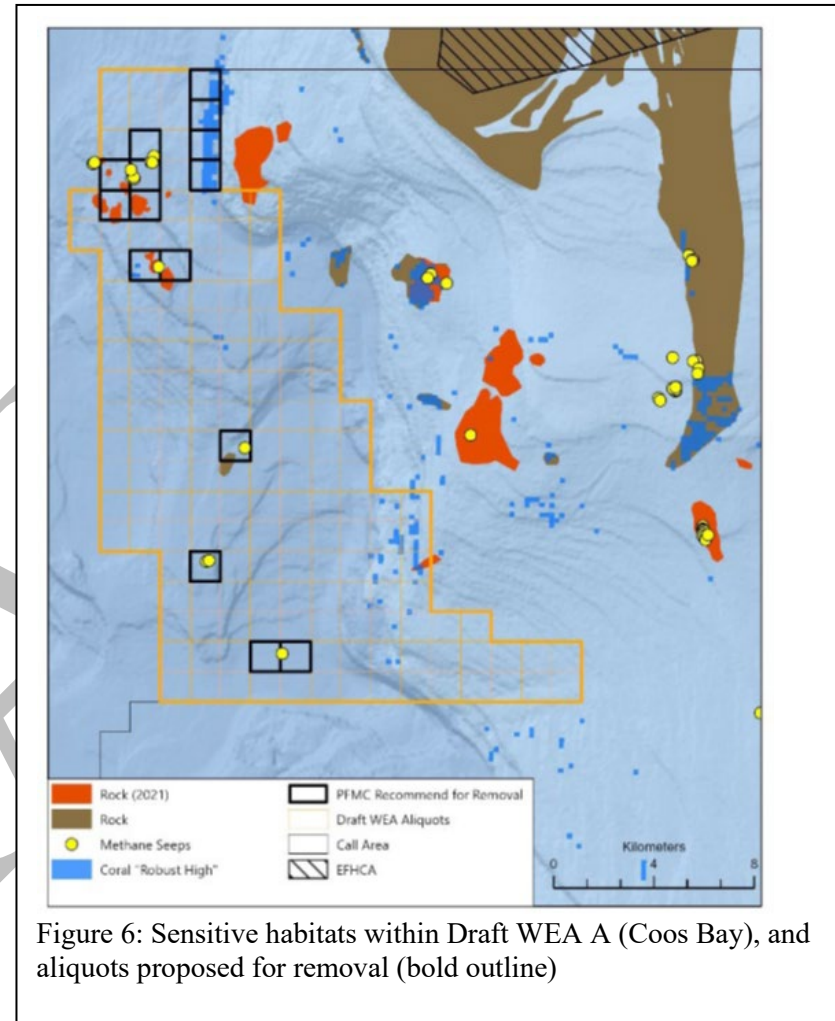


Figure 6: Sensitive habitats within Draft WEA A (Coos Bay), and aliquots proposed for removal (bold outline)