

**Draft Comment Letter on Bureau of Ocean Energy Management Draft Environmental Assessment**

XX June 2024  
Lisa Gilbane, Chief  
Environmental Analysis Section  
Bureau of Ocean Energy Management  
760 Paseo Camarillo, Ste. 102  
Camarillo, CA 93010

Submitted online via *regulations.gov*: [Notice of Availability of a Draft Environmental Assessments for Commercial Wind Lease Issuance on the Pacific Outer Continental Shelf, Oregon](#); Docket No. BOEM -2023-0065

Dear Ms. Gilbane;

The Pacific Fishery Management Council (Council) appreciates the opportunity to comment on the Bureau of Ocean Energy Management's (BOEM) draft Environmental Assessment (Draft EA) for the Oregon Wind Energy Areas (Oregon WEAs) and submits the following comments for your consideration. The stated purpose of the Draft EA is to analyze whether the issuance of leases and grants within the Oregon WEAs would result in significant impacts to the environment, and therefore require the preparation of an environmental impact statement prior to lease issuance. BOEM is requesting public comment on the adequacy of its environmental analysis and measures to avoid or reduce potential environmental impacts.

The Council is charged with sustainably managing U.S. West Coast fisheries, which includes conserving and enhancing habitats in support of sustainable U.S. fisheries. The Council is one of eight Regional Fishery Management Councils established by the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (MSA). The Council develops management actions for Federal fisheries of Washington, Oregon, California, and Idaho, and is required to achieve optimum yield in the fisheries. Optimizing the yield of our nation's fisheries requires safeguarding these resources, their habitats, commercial and recreational fishery participants, and fishing-dependent communities. We offer the following comments and recommendations regarding habitat, fisheries, and cumulative impacts.

**Overarching Concerns**

The Council remains seriously concerned that the rapid pace of offshore wind (OSW) energy planning on the Pacific Coast could result in permanent harm to fisheries, habitats, and/or fishing communities. OSW development is a generational initiative, and it is critically important to take the appropriate amount of time to prevent those impacts. We note that the State of Oregon is developing a long-term, coast-wide strategy, or Oregon [Offshore Wind Roadmap](#) (Roadmap). The Roadmap will define standards to be considered in the process related to offshore wind energy development through the engagement with coastal communities, communities of practice, and tribal nations. An informal group representing varied perspectives on floating offshore wind have provided [considerations](#) for the State to take into account in the development of a Roadmap "that

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*can serve as the foundation for stakeholder engagement, articulate expectations of offshore wind energy development, and set forth processes to help ensure that the consideration of offshore wind energy is transparent, robust, and inclusive.*' The Roadmap is expected to be completed by September 2025 and will provide a methodical process for consideration of OSW energy development off Oregon. In light of this, **the Council recommends that BOEM should not approve any Site Assessment Plans (SAPs), survey plans, or Construction and Operations Plans (COPs) off Oregon until the Roadmap is complete.** To be clear, this suggestion is not intended to disrupt the pre-assessment surveys needed for site assessment plan development or reduce the amount of time available for site assessment and characterization (3-5 years) prior to submission of COPs. It is simply meant to give the state of Oregon time to complete the Roadmap which may provide guidance pertinent to the OSW related activities that will be included in the SAPs, survey plans, and COPs.

## **Habitat Issues**

### **Essential Fish Habitat and Council Authorities**

The MSA requires the Council to describe, identify, conserve, and enhance essential fish habitat (EFH) for species managed under the Council's fishery management plans (FMPs). The MSA defines EFH as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity."<sup>1</sup> The MSA includes additional provisions to designate Habitat Areas of Particular Concern (HAPC), which are specific types or areas of habitat within EFH.<sup>2</sup> The MSA further authorizes the Council to comment on Federal or state activities that may affect the habitat, including EFH, of a marine or anadromous fishery resource under its authority. Adverse effects on EFH may result from actions occurring within EFH or outside of it and may include site-specific or EFH-wide impacts, including individual, cumulative, or synergistic consequences of actions.

The Council has identified EFH throughout the Pacific Coast region for species managed under each of its FMPs: Pacific Coast groundfish, coastal pelagic species, Pacific Coast salmon, and highly migratory species. HAPCs have been identified for groundfish (rocky reefs, estuaries, canopy kelp, seagrasses, offshore banks, seamounts, canyons, and other areas of interest) and salmon (estuaries, marine and estuarine submerged aquatic vegetation and other freshwater habitat features). In addition, the Council has designated EFH Conservation Areas for groundfish species in its Groundfish FMP, which are spatially discrete areas to protect sensitive habitats from the effects of some types of bottom fishing.

### **Habitat-Focused Comments and Recommendations**

As noted in our previous comments to BOEM on the Oregon WEAs, the Oregon WEAs overlap EFH (including methane seeps) for Council-managed species and overlap groundfish rocky reef HAPC. The Council is particularly concerned about the sensitive benthic habitats in the proposed lease areas and potential cable easements. Sensitive habitats include hard bottom habitats (bedrock, boulder, cobble, methane carbonate rock), deep-sea coral habitat, methane seep bubble plumes, chemosynthetic communities, and other habitat-forming invertebrate communities.

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<sup>1</sup> 16 U.S.C. §1802(10)

<sup>2</sup> HAPCs are identified based on one or more of the following considerations: (i) The importance of the ecological function provided by the habitat; (ii) The extent to which the habitat is sensitive to human-induced environmental degradation; (iii) Whether, and to what extent, development activities are, or will be, stressing the habitat type; (iv) The rarity of the habitat type. (50 CFR 600.815(a)(8)).

In those previous comments, we identified several aliquots that coincide with sensitive benthic habitats and recommended their removal from the WEAs. The Council continues to believe this is the appropriate action given the high potential for impacts or loss of these resources. The Council again recommends omitting those aliquots from the lease sales. If BOEM does not remove these aliquots from leasing, then BOEM should require substantial buffers around all areas with sensitive benthic habitats to prevent impacts from bottom-contact survey equipment and installations associated with site assessment and site characterization.

The Council notes that the EA lacks sufficient detail on the characterization of benthic habitat resources and the proposed site assessment and characterization activities and lacks meaningful analysis of the potential impacts of those activities. Of particular concern are bottom-contact activities in the habitats listed above. The Council recommends the EA provide greater detail about the proposed activities by quantifying the frequency, duration, density of survey line spacing, density/amount of cores, etc. of those methods over the duration of the lease and analyzing the quantified effects of those activities on habitat resources. The Council recommends the EA analyze the cumulative effects of multiple survey activities that are likely to overlap spatially.

The Council has commented previously on the installation and ongoing operation of transmission cables. Easements for offshore converter stations may also be authorized, outside of the OSW lease areas. We emphasize the importance of identifying multiple options for cable routes and offshore converter stations to ensure that routes and locations can meet the requirements for both cable burial and avoidance of sensitive habitats.

As noted in our previous comments, fine-scale seafloor maps are necessary for locating sensitive habitats. The Council reiterates our previous recommendation that BOEM coordinate and expedite the development of fine-scale substrate classification maps with its agency partners using the existing seafloor mapping data collected in recent years (primarily in support of OSW development) by BOEM, the U.S. Geological Survey (USGS), the National Oceanic and Atmospheric Administration (NOAA), and others. This desktop mapping exercise should be completed as soon as possible, but prior to additional seafloor mapping or other site assessment and site characterization activities. Fine-scale substrate maps would help orient new high-resolution seafloor mapping of the lease areas and potential cable easements, particularly for locating sensitive benthic habitats. BOEM should require all new benthic habitat mapping at the highest resolution possible, and a higher sampling rate than described in BOEM's [guidance document](#) (*Guidelines for Providing Benthic Habitat Survey Information for Renewable Energy Development on the Atlantic Outer Continental Shelf*). The Council recommends that BOEM require lessees to adhere to the *NMFS Greater Atlantic Fisheries Recommendations for Mapping Fish Habitat recommendations* (transmitted to BOEM March 29, 2021) for habitat mapping and seafloor classification and biogenic habitats. The Council also recommends lessees consult with West Coast habitat scientists to further delineate and classify habitat features relevant to the West Coast.

The Council notes that the map of sensitive benthic resources (Figure 3-1 of the draft EA) does not include deep-sea coral resources identified in our previous comments on the Oregon draft WEAs. Specifically, the ancient bamboo coral forest NOAA research site in Aliquot NK10-04

7018M of the Brookings WEA, and the deep-sea coral habitat suitability layer. This map should be corrected in the final EA to include deep-sea coral habitats, as noted in our previous comments.

***Summary of Council Recommendations: Habitat***

- **The Council reiterates its previous recommendations that BOEM conduct a careful impacts analysis relative to EFH Conservation Areas and HAPCs and ensure that activities carried out under this EA will not harm the habitats within these areas.** The Council's November 10, 2023, comment letter<sup>3</sup> on the Draft Oregon WEAs includes additional information on habitat protection buffers.
- **Omit aliquots with sensitive benthic resources from the lease sales (as recommended in previous Council comments). If aliquots are not removed from lease sales, require substantial buffers around those areas for all bottom-contact site assessment and site characterization activities.**
- **BOEM should coordinate and expedite the development of fine-scale substrate classification maps with agency partners using the existing seafloor mapping data collected in recent years (primarily in support of OSW development) by BOEM, USGS, NOAA and others.**
- **Require sufficiently sized buffers around all areas with sensitive habitats in potential cable easements, as recommended by state/Federal resource agencies.**
- **Require lessees to conduct broad-scale and fine-scale comprehensive biological site characterization surveys with emphasis on identifying sensitive benthic habitats in the lease areas and potential cable easements and make this information available for public review. Additionally, lessees should consult with West Coast habitat scientists on survey design and methodologies used to explore non-extractive methods prior to resource extraction to reduce impacts.**
- **Provide greater detail in the final EA about the proposed activities by estimating the frequency, duration, survey line spacing, density/amount of cores, etc., of those methods over the duration of the lease and analyzing the quantified effects of those activities on habitat resources.**
- **Analyze the cumulative effects of multiple survey activities that are likely to overlap spatially on sensitive habitats in the final EA.**
- **Coordinate and expedite the development of fine-scale substrate classification maps using existing seafloor mapping data collected in recent years.**
- **Require lessees to conduct seafloor habitat mapping at the highest resolution possible, and a higher sampling rate than described in BOEM's guidance documents.**
- **Require lessees to adhere to the *NMFS Greater Atlantic Fisheries Recommendations for Mapping Fish Habitat* for habitat mapping and seafloor classification, and to consult with the West Coast habitat scientists to further delineate and classify habitat features relevant to the West Coast.**

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<sup>3</sup> [Council comment letter on Oregon Draft WEAs](#)

- **Include deep-sea coral habitats in Figure 3-1 (or other seafloor map figures), in the final EA.**
- **Surveys related to establishing cables routes and offshore converter stations should be designed to develop multiple options for eventual routes and locations proposed in the Construction and Operations Plan.**

## **Fisheries Issues**

The Council has encouraged BOEM to prioritize engagement with the fishing industry as it moves forward with site characterization and lease issuance activities off Oregon and California. Many individuals/businesses participating in West Coast fisheries, or those dependent upon those activities, may be directly or indirectly impacted by placement of turbines off Oregon.

### **Socioeconomics**

The Council is concerned that Section 3.6, including Figure 3-5, map of ports, and discussion do not include Winchester Bay/Reedsport (Umpqua River), in Douglas County, and Florence (Siuslaw River) in Lane County. Both ports have vibrant sport fishing and tourism industries and commercial fishing businesses. Omitting both ports, and the socioeconomic impacts to the industries and ocean users in those ports, is a glaring oversight that should be corrected in the final EA, especially in Sections 3.7 (Commercial Fishing) and 3.8, (Recreation and Tourism). Establishing accurate facts about the ports and port infrastructure is extremely important, so the public has the best, most recent information on which to provide comments and state, Federal and tribal agencies can make the best decisions. Making decisions and evaluating impacts using inaccurate information will only compound the problems related to socioeconomic concerns.

While neither port is deep enough to accommodate all activities likely to accompany offshore wind deployment, both are larger and more diverse than Port Orford. The [U.S. Army Corps of Engineers website](#) does not have details on these two ports, but the Port of Umpqua and Port of Siuslaw do have significant sport and commercial fisheries components, including docks for both, fish processing/receiving stations for commercial fish and shellfish, and marine-related facilities. Additionally, one of the West Coast's most prominent commercial fishing vessel builders, Fred Wahl Marine Construction, is in Reedsport.

BOEM used port facilities facts directly from the U.S. Army Corps of Engineers (USACE) website, which contains some errors and omissions. For example, the Port of Brookings Harbor, does not have a 120-foot-deep navigation channel (page 52 of the Draft EA). The Port of Coos Bay accommodates three major processing facilities, not just one, with additional buying stations, an ice plant, and another prominent commercial fishing vessel contractor, Giddings Boatworks. The omission of these ports also may decrease the opportunities for offshore wind developers to take advantage of businesses in those ports that may aid marine-related industries.

### **Commercial and Recreational Fishing**

The Draft EA, in Section 3.7, correctly highlights the importance of several commercial fisheries, especially those identified by NMFS and the Oregon Department of Fish and Wildlife. This data is much more robust and accurate than trying to correlate data acquired from technology onboard fishing vessels (i.e. vessel monitoring system (VMS) or automated identification system (AIS) to fish tickets and landings information. It is important to work with state and Federal agencies as

well as the local fishing industry to find suitable locations for installation of meteorological buoys (met buoys), to avoid impacts to fishing activities. This is especially important for areas of higher importance for the trawl fishery as those vessels are less nimble and require long, unobstructed tow tracks. Recreational and other hook and line fishing can more easily avoid areas where buoys are placed.

The tables in the commercial section of the affected areas (fisheries descriptions) are limited, inaccurate and not representative of trends in variability due to the use of summaries from COVID-19 pandemic years, specifically 2020. For example, Table 3-14 excludes all commercial fisheries except groundfish and Table 3-15 includes incorrect data regarding crab fishing depths. It is also unclear from Table 3-14 what geographic scope is being used for the reporting of number of vessels (i.e. is the scope coastwide, southern Oregon, or specific ports) and this information is missing from the fisheries in Table 3-15. It is imperative these omissions and inaccuracies be addressed in the final EA.

The EA is also unclear about which commercial fisheries are being presented for revenue and landings summaries in Table 3-13. Fisheries operation inshore of the WEAs will be potentially impacted by vessel traffic from site assessment and characterization activities. Therefore, if inshore fisheries are not included, they should be.

Regarding recreational fisheries, BOEM uses charter albacore and VMS/AIS information from commercial salmon to show there were no effects to recreational fisheries (Appendix C). However, as we noted above, VMS and AIS data does not sufficiently account for fishing effort, let alone serve as a proxy for recreational effort. This methodology dismisses other recreational fisheries and is an inappropriate use of commercial and recreational information. More information and understanding of recreational fisheries need to be understood before determining if the effects to recreational fisheries are minor.

The Council remains concerned about the potential to leave met buoy anchors in place after the buoys themselves are removed. Solid objects like buoy anchors are a hazard to fishing and can cause major damage to fishing vessel gear and also to the benthic environment. We realize these buoys will be regulated by USACE and/or the Bureau of Safety and Environmental Enforcement, but BOEM should make removal of anchors a condition of the lease or any approved Site Assessment Plan.

The Draft EA describes various methods of communicating (e.g., notice to mariners and Fishery Communication Plans) and working with local fishermen and other ocean users. The Council supports these efforts.

### **Marine Mammals**

The Council remains concerned that site assessment and characterization activities (including acoustic effects, as well as deployment and presence of buoys or other survey equipment) may alter migratory patterns of certain marine mammal species in such a way that interaction with fishing gear is more likely. This could impact the California and Oregon commercial Dungeness crab fisheries and other fixed gear fisheries that operate in, or adjacent to, the Oregon WEAs. Fishermen are currently subject to increasingly strict regulations regarding whale and sea turtle risks of entanglement. If humpback or blue whales migrate closer to shore than is typical as a result

of activities undertaken for site characterization or site assessment purposes, fishermen are concerned they may be held accountable for whale entanglements, or their fishing seasons modified or shortened to address risk. This is not a negligible or minor impact to commercial fishing.

The Council is also concerned about secondary entanglement of marine mammals, which could occur if pot/trap gear becomes entangled with a met buoy, which then entangles a marine mammal. The draft EA states that “the general inshore deployment (~200ft water depth) and weight of pot traps” makes them unlikely to become entangled in the met buoy lines to present an entanglement risk. The MPC notes that there are areas of high ranked importance for the pot/trap fisheries in the WEAs (National Centers for Coastal Ocean Science (NCCOS) report Figure 3.50) and therefore BOEM should analyze this possibility as a potential impact in the EA, and lessees should acknowledge the potential in SAPs. The Council is concerned that commercial fishermen may be held accountable for secondary entanglements. This risk can be minimized by avoiding placement of met buoys in aliquots with high importance of pot/trap fisheries, as documented in the NMFS and ODFW fisheries spatial data provided in the NCCOS report.

### **Cumulative Effects Analysis**

While Appendix B of the Draft EA does acknowledge ongoing activities associated with the five leases off California, it does not analyze the potential impacts of simultaneous site assessment activities occurring off both California and Oregon. Further, with additional lease sales planned off California in late 2027 or early 2028<sup>4</sup>, it is reasonably foreseeable that activities associated with those future leases may overlap with site assessment activities covered by this Draft EA.

Each phase of BOEM’s process for the Oregon WEAs will add compounding adverse effects to Council-managed species, habitats, and fisheries, and can exacerbate other factors in the region affecting these resources (e.g., fishery management measures, climate-related ocean conditions). The Council believes these factors are within the scope of the cumulative effects analysis required at this stage. Transmission cables and other offshore wind infrastructure continue to be a primary concern of the Council due to a myriad of potential impacts to EFH, benthic species and sound-sensitive species, such as: potential adverse effects during installation of infrastructure include vibration and noise generated by subterranean drilling; destruction of habitat features; destruction of deep-sea corals; impacts to fish and marine mammals; scouring and plume caused by seafloor trenching and transmission cable burial; habitat damage during installation of mooring anchors; and impacts of electromagnetic fields from suspended midwater cables.

### **Council Recommendations on Fisheries and Other Issues:**

#### ***Socioeconomics***

- **BOEM should improve the Socioeconomic section by including both Winchester Bay/Reedsport and Florence ports in the final EA and verifying/correcting information pulled from the USACE website (e.g., depth of the Brookings Harbor Channel, the number of Coos Bay processing facilities, etc.).**

#### ***Commercial and Recreational Fishing***

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<sup>4</sup>BOEM [Renewable Energy Leasing Schedule](#)

- **BOEM should identify areas of importance for bycatch avoidance, not areas only important for targeting specific species. Additionally, recreational fishing data gaps need to be addressed.**
- **The Council strongly recommends BOEM consider impacts to specific fisheries when analyzing potential impacts. In addition, we encourage BOEM to expand its analysis to describe the changing conditions and regulatory constraints affecting where and how fisheries operate.**
- **The Council recommends BOEM – and future lessees – continue to work closely with local fishermen and NMFS to find suitable locations for buoys (or other installations) to minimize the chance of interactions. Buoy placement in areas that vessels already avoid (e.g., near existing known hazards or areas closed to fishing) is one way to minimize potential conflicts between the scientific collection instruments, fishing vessels and gear. Lessees should be required to remove all anchoring systems.**

#### *Marine Mammals*

- **Consider and analyze potential impacts to marine mammals associated with fishing activities that are shoreward of the WEAs. This includes site assessment and survey activities as well as secondary entanglements.**
- **Avoid placement of met buoys in WEA aliquots with high ranked importance for pot/trap fisheries.**
- **Fishermen should not be held liable if marine mammals are entangled with met buoys.**

#### *Cumulative Effects Analysis*

- **The Council recommends the final EA should include a cumulative effects analysis of activities that are likely to occur, across the region, throughout the multi-year process and should describe measures to minimize those effects. Efforts should also be focused on developing a regional cumulative impacts study that considers the impacts of various numbers of wind farms off the West Coast. It is reasonable and pragmatic to gain the best understanding of the total impacts for the California Current and our West Coast fishing communities.**

Lastly, we urge BOEM to include the recommendations in our prior comment letter ([PFMC letter dated March 15, 2024](#)) on the EA scoping process, especially related to removing specific aliquots from further consideration, based on their importance to fisheries, habitat, and the marine ecosystem. We incorporate that letter by reference here.

Thank you for considering our comments on the Draft EA. We look forward to the final EA incorporating the Council's recommendations, which will help to avoid and minimize impacts to habitats, fisheries, and other marine resources. We thank BOEM for the opportunity to provide comments on the Draft EA and look forward to continued collaboration. Please contact Kerry Griffin of my staff (Kerry.griffin@noaa.gov; 503-820-2409) if you have any questions.

Sincerely,

*Signature block – Council Chair*



KFG:xxx

Cc: Council Members  
Mike Conroy  
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PFMC  
05/31/24

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