Pacific Fishery Management Council

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Marc Gorelnik, Chair | Charles A. Tracy, Executive Director

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Regional Supervisor
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To Whom it May Concern:

On October 19, 2018, the Bureau of Ocean Energy Management (BOEM) published in the *Federal Register* a Call for Information and Nominations for Commercial Leasing for Wind Power Development on the Outer Continental Shelf (OCS) Offshore California. BOEM delineated three geographically distinct Call Areas: Morro Bay and Diablo Canyon off the Central Coast, and Humboldt off the North Coast. On July 28, 2021, BOEM designated the Humboldt Call Area as a Wind Energy Area (WEA). The WEA begins at 21 miles offshore the City of Eureka in northern California and is approximately 132,369 acres (206.8 square miles).

BOEM will conduct an Environmental Assessment (EA) of the WEA, as required by the National Environmental Policy Act (NEPA). As part of BOEM's scoping process, the agency is seeking public comments through September 13, 2021 on scope and content of the EA. The EA will consider potential environmental consequences of site characterization activities (e.g., survey activities and core samples) and site assessment activities (e.g., installation of meteorological buoys) associated with issuing wind energy leases in the WEA. The EA will also consider project easements associated with each potential lease issued, and grants for subsea cable corridors through state tidelands. As described in the Northern California Area Identification Memorandum, "BOEM will conduct further analysis under the Outer Continental Shelf Lands Act and NEPA at subsequent stages of its regulatory process, including if and when leases are offered for sale, and if and when wind energy facilities are proposed on any leases."

The Pacific Fishery Management Council (Council) is charged 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 for Federal fisheries off Washington, Oregon, and California, and is required to achieve optimum yield for public trust marine resources. Optimizing the yield of our nation's fisheries requires safeguarding these resources, their habitats, and the fishing communities that rely on their harvest. The Council notes that the Outer Continental Shelf Management Act and Magnuson-Stevens Fishery Conservation and Management Act both contain mandates to responsibly manage ocean resources.

The extent to which BOEM has been engaging with members of the fishing community in the Humboldt Bay area is not clear. BOEM should prioritize engagement with the fishing industry as it moves forward with site characterization and lease issuance activities.

BOEM's Humboldt Area ID Memo aggregates all fisheries together for discussion. However, the assessment of impacts should be broken out by fishery and be done in such a way to show trends over time. This will allow for a more robust and useful analysis of impacts to fisheries. The California Department of Fish and Wildlife (CDFW) has identified the following fisheries as potentially impacted within the WEA: sablefish, Pacific hake, spot prawn, coastal pelagic species finfish, krill, California halibut (mostly nearshore), Pacific halibut, and hagfish. An initial CDFW depth analysis suggests that given the OCS location of the WEA, some commercial fisheries may not experience notable preclusion from fishing grounds as a result of wind energy development in the area. However, fishing representatives of the Ad Hoc Marine Planning Committee (MPC) state that numerous fisheries operate in and around the Humboldt WEA. Nearshore fisheries including market squid, sardine, Dungeness crab, and other Federal or state-managed fisheries could be directly impacted by site assessment and characterization activities.

The Council **recommends** that BOEM conduct a *coastwide* cumulative effects analysis of all wind energy proposed areas (taking into consideration all areas in the region closed to fishing) on all commercial and recreational fisheries, fishing communities, and impacts to domestic seafood production (including port-based fishery-specific facilities and related services).

Essential Fish Habitat Conservation Areas (EFHCAs) are spatially discrete areas closed to bottom trawling and, in some cases, other types of bottom contact gear, to protect the important habitat features found there. Habitat areas of particular concern (HAPCs) are specific habitat features or spatially discrete areas representing high priority habitats for conservation, management, or research and are important for healthy ecosystems and sustainable fisheries.

The Humboldt WEA appears to overlap with designated Rocky Reef HAPCs and with the Mad River Rough Patch EFHCA for Pacific groundfish. This and several other newly designated or modified EFHCAs are not included in the online mapping tool (California Offshore Wind Energy Gateway) that appears to be informing the wind energy siting process. The groundfish EFHCAs were updated in 2020 under Amendment 28 of the Pacific Groundfish Fishery Management Plan, replacing EFHCAs designated in 2006 under Amendment 19. (NOAA Fisheries 2020). The Mad River Rough Patch EFHCA was proposed through a collaborative effort of fishing industry and environmental representatives which identified significant ecological resources there. The area is characterized by a rocky ridge, complex topography, diverse habitats, and abundant fauna. Research dives conducted by the Monterey Bay Aquarium Research Institute and inventoried by the NOAA Deep Sea Coral and Technology Program identified an abundance of corals, sponges, and sea pens (pennatulids).

EFHCA and HAPC designations signify the ecological significance of this portion of the WEA and the need for protective measures from activities that can damage the habitats of Council-managed species and structure-forming invertebrates. It is the Council's opinion that wind energy planning and development may not be compatible with the presence of these important physical and biogenic habitat features, including EFHCAs, HAPCs, and major rocky structures elsewhere in the area. The Council **recommends** that BOEM conduct a careful impacts analysis relative to EFHCAs and HAPCs and provide demonstration that offshore wind (OSW) projects will not cause significant harm to these designated areas. The Council **recommends** BOEM consider use of buffer zones to avoid HAPCs and EFHCAs and to minimize impacts to these areas, including from cable routing, construction, and maintenance activities.

The MPC assembled the following comments (see attached table), applicable to site characterization activities and lease issuance to be undertaken as part of BOEM's OSW planning process. The MPC considered many other comments not included below that apply more directly to the construction and operation of wind turbines and transmission cables. We look forward to a future opportunity to provide those suggestions.

Future Engagement and Consultation with the Council

The Council, through the MPC, intends to stay fully engaged in this process going forward. The Council appreciates BOEM participation in the September MPC and Council meetings. We look forward to working with BOEM further, to ensure that fisheries and fish habitat are fully considered throughout the process.

As noted during the September Council meeting, the Council's meeting schedule and opportunities for its advisory bodies to inform the Council do not necessarily align with public comment periods of other public processes. In those cases, we appreciate your consideration of our comments outside the public comment window.

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

Sincerely,

Marc Gorelnik
Pacific Council Chair

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Enclosure

Cc: Pacific Council Members
Regional Fishery Management Council Executive Directors
Ad Hoc Marine Planning Committee
Ms. Necy Sumait
Mr. Rick Yarde

Attachment: Summary of Issues to Include in Scope of Environmental Assessment

Scoping Issue	**Rationale**
Recreational fishing activities	The sport fishing stakeholders (albacore tuna, salmon, Pacific halibut, rockfish, etc.) may be affected by site characterization activities, especially in terms of transit to and from fishing grounds. Sport fishing is an important economic driver in the area and consideration should be given to minimizing impacts to the sport fishing fleet. The scope of the EA should include locations, number of trips, revenues and revenue multipliers, and characterization of how recreational fishing may be impacted by the presence of a wind farm.
Benthic habitat	Rocky substrate, corals and sponges are present in part of the Humboldt Bay area. These habitats may be sensitive to seismic testing, drilling, or other site characterization activities, and should be avoided, as should the Mad River EFHCA. The EA scope should include consideration of Essential Fish Habitat Conservation Areas (EFHCAs) and Habitat Areas of Particular Concern, both of which indicate especially important habitat for dozens of species of groundfish and other fishery resources.
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. The EA scope should include characterization of migration pathways and use by birds, whales, and other marine life. This should include characterization of timing windows for use and migration.
Commercial Fishing Activities	Much of the Humboldt WEA is in actively fished trawl grounds. Several trawlers in Eureka derive most of their winter income from the area in the WEA, and three trawlers from Brookings, OR also fish extensively in that area. One Eureka trawl captain described the area in the Humboldt WEA as, “some of the best grounds on the west coast for dover, blackcod, long spine & short spine thornyheads”. Consideration should be given to commercial fishing activities as BOEM conducts site characterization activities. The Northern California Area Identification Memorandum aggregates all fisheries together for discussion. However, the assessment of impacts should be broken out by fishery and be done in such a way to show trends over time. This will allow for a more robust and useful analysis of impacts to fisheries. The California Department of Fish and Wildlife (CDFW) has identified the following fisheries as potentially impacted within the WEA: albacore, sablefish, Pacific hake, spot prawn, krill, California halibut (mostly nearshore), Pacific halibut,

	groundfish, and hagfish. However, given the OCS location of the WEA, a depth analysis reveals that many commercial fisheries are not likely to experience notable preclusion from fishing grounds as a result of wind energy development in the area. Nearshore fisheries including market squid, sardine, salmon, sea cucumber, coastal pelagic species, and Dungeness crab could be directly impacted by transmission cable construction and operation.
Core Samples and Cables	Cables supporting the Block Island OSW facility (East Coast) were originally buried at a depth of 4-6 feet. Shifting sediment caused sections of the cable to become unburied and in October of last year, the developer (Orsted) stated it intended to rebury the cables at a depth of 25 - 50 feet. Given ocean conditions along the North Coast of California - it is foreseeable that cables will need to be buried at similar depths. Any EA needs to account for core samples being taken from that depth - as opposed to something shallower (i.e., five feet as the original Block Island cables - and the proposed burial depth for the Vandenberg projects)
Community and Socio-Economic Impacts	There is concern that a future wind farm could negatively impact fishing activity, which would have ripple effects across the community. 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.