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Comments on Additional Considerations for OSW Energy

Please see attached comments from the Responsible Offshore Development Alliance.

Additional submitted attachment is included below.



Responsible Offshore Development Alliance

September 29, 2020

Karen Douglas, Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

Re: Notice of Availability of Outreach on Additional Considerations for Offshore Wind Energy off the Central Coast of California; Docket No. 17-MISC-01

Dear Ms. Douglas;

Thank you for soliciting input on the Additional Considerations for Offshore Wind Energy off the Central Coast of California in order to better inform offshore wind energy (OSW) siting in the region.¹ The Responsible Offshore Development Alliance (RODA) submits the following comments to the California Energy Commission (CEC) on behalf of its Pacific members.

RODA is a membership-based coalition of independent fishing businesses, associations, companies and community members committed to ensuring the compatibility of new offshore development with their businesses. Members of our coalition operate in federal and state waters of the New England, Mid-Atlantic, and Pacific coasts. RODA's Pacific committee formed in late 2019 and now has members from and representing most fisheries operating in federal waters off the U.S. West Coast.

It is paramount that OSW development projects, as renewable sources for California's future energy portfolio, be properly sited to protect and preserve existing sustainable industries. There are numerous factors that will be considered in the wind energy area (WEA) identification and leasing processes, but all too often it seems that the industry that will be most impacted is only engaged superficially. The commercial fishing industry has not had a seat at the table in the California planning process to date, nor have the state and federal agencies who make American seafood one of the most sustainably managed food sources around the world. Decisions that will impact fisheries monitoring, surveys, management plans, and protected species are consistently being made without these key constituents. RODA urges CEC to reconsider this approach and create a model for successful OSW development that avoids unnecessary fishery displacement and conflict.

¹ TN 234009 (July 24, 2020).



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OSW Development Must Be Rooted in Inclusive and Meaningful Fishing Industry Collaboration

As a vital part of California's economy and heritage, the fishing industry must have an authoritative role in siting decisions for OSW development. Fisheries management and OSW planning occur on parallel tracks with little opportunity for cross-sector integration. These concurrent paths are predicated on an assumption that all relevant data and information is collected and readily available to inform development decisions or can at least be applied in late stages of project design to effectively retrofit mitigation. In reality, the absence of applicable data and denial of a meaningful seat at the table to those with highly specific knowledge and interests lead to poorly informed decisions and limited flexibility for optimizing multiple ocean uses. As a new ocean user, the only way the OSW sector can achieve smart and responsible development will be through a planning process that elevates existing users to an authoritative role.

In the process for the existing Central Coast Call Areas, BOEM, CEC, and other regulatory entities have only consulted fishermen and women once significant resources have been allocated and many important decisions have already been made. Furthermore, when consultations have occurred for the existing Call Areas, they have only included a subset of industry members and did not take coastwide effects into account. It is extremely important to pay special attention to the most affected fisheries in any given area under consideration for development; however, CEC and BOEM must also exercise due diligence in identifying all those who will be impacted and ensuring they are intrinsically involved in OSW planning from the earliest stages. State and federal fisheries managers can assist in identifying potentially impacted fishermen, but the best source of information is through informal communication channels that already exist within the industry. RODA is actively working to strengthen these networks and stands willing to assist CEC in facilitating communication with fishing interests throughout the region.

For OSW projects to be successful and not supplant existing sustainable industries in the state, this coastwide engagement of industry needs to be through *efficient* and *transparent* channels, and produce tangible results. CEC and BOEM must establish adequate processes to ensure coexistence in the existing Call Areas before moving forward with leasing and identification of additional areas. These processes need to include not only on the water operators, but also affected shoreside businesses and communities. Forging meaningful, collaborative partnerships now will help alleviate some of the downstream barriers to project implementation seen elsewhere and minimize environmental and economic effects.

CEC and BOEM Must Prioritize Improved Fisheries Data and Increase Resources for Research and Monitoring

Fisheries data and monitoring is collected using the best available science for *fisheries management*. This means it is typically not collected at a spatial resolution relevant to OSW



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planning. Because this data gives an incomplete picture of effort on the individual project scale, it is necessary for CEC and BOEM to work with fisheries experts and the industry when collecting and analyzing it. For example, knowing where fleets operate can be difficult as most fishing vessels do not use Automatic Identification Systems (AIS), and Vessel Monitoring Systems (VMS) block-areas used by CA Department of Fish and Wildlife are too large for fine-scale resolution. Many fisheries have very limited reporting requirements from which to derive spatial information at all. To put a finer point on it, the best source of information regarding fishing effort is the fishing industry itself. These experts must be included in planning discussions or this information will not be effectively contributed and interpreted for OSW development.

In addition to understanding the limitations of existing data to describe the spatial needs of potentially impacted fisheries, new research and monitoring efforts to characterize the specific environmental effects of OSW to fisheries resources must begin immediately. This will require resources to establish baseline data collection and monitoring plans compatible with future development. Such research must commence on a concurrent timeline to OSW planning studies in order to be informative to site selection; currently it lags by many years or more.

Depending on the interannual variability of a given fishery and other factors, a minimum 3 to 5-year pre-construction time series is necessary to understand normal environmental and economic-driven fluctuations. This time frame is even longer for stocks with low reproduction rates or those highly sensitive to ecosystem conditions. Again, these timelines do not correspond with the projected pace of OSW development off of California.

Industry members, agencies, and scientists involved in fisheries management must be consulted in developing monitoring plans to ensure appropriate methodologies are utilized and that results fulfill fishery management needs. These include the Pacific Fishery Management Council (PFMC), NMFS' Southwest & Northwest Fisheries Science Centers and West Coast Regional Office, CA Department of Fish and Wildlife, and representatives from fleets, associations and communities that will be impacted. In particular, CEC (and BOEM) need to consult with the PFMC to understand how Call Areas will impact essential fish habitat and other sensitive areas under its management authority.²

Understanding and quantifying displacement of effort is extremely important as the subsea cable networks and anchoring systems of floating structures will make OSW areas de facto closure areas to most commercial fishing. As highlighted throughout this letter, it is also necessary to analyze effects to shoreside businesses, industries and communities beyond those that occur on the water, which will be impacted by shifting effort or impacts to vessel operators and crew. Additional factors beyond direct displacement that ought to be better understood, and may require research, include socio-economic impacts, increased transit time, market effects, traffic interactions and port access, and cumulative impacts from multi-project build outs, among others. As stated above,

² See the PFMC's letter submitted to the docket identifying key concerns held by the Council.



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efforts to understand and analyze these factors should be planned and undertaken at the same time, or even prior to, identification of Call Areas.

Consideration of the Expansion Areas Sets a Concerning Precedent

The commercial fishing industry has significant concerns about the Expansion Areas under consideration by the CEC for two main reasons. First, the expansions areas will displace more fishing and therefore have a bigger impact to industry than the existing Call Areas, for which the effects are already poorly understood. Second, the process by which the areas were identified was not transparent and, in fact, exclusionary, despite numerous lessons learned from prior US projects indicating the value of early collaboration with fishermen. While this solicitation for consideration of additional areas in advance of Call Areas identification is a step in a positive direction, its announcement of potential expansion areas that were not designed or developed through a collaborative effort is troublesome.

The existing Call Area in Morro Bay was identified through an Unsolicited Lease Request that, at best, only included input from local communities from a narrow geographic perspective. While that input is important, is not sufficient to identify all potential conflicts. Moreover, because only the developer that submitted the bid engaged in discussions related to fisheries mitigation, there is no consideration assured by law or practice to the fishermen of Morro Bay if a different developer ultimately prevails in the competitive federal lease process. Delineation of the Expansion Areas again failed to include meaningful industry engagement or an equitable public process.

During two public meetings held recently, several fishermen have stated that the areas under consideration could have increased conflict with fisheries beyond the considerable conflict posed by the original Call Areas. For example, fisheries that target highly migratory species using driftnet and trolling gear have a larger footprint in the areas under consideration. If development occurs in these Expansion Areas, there will be substantially greater fishing displacement as these gear types will not operate in a wind energy array.

The State unfortunately appears to be following a path of prioritizing all other ocean uses above seafood production. While the initial purpose of the August 21, 2019 and subsequent meetings was to directly address incompatibility concerns from the Department of Defense, these meetings excluded fishing industry representation but included other non-Department of Defense stakeholders. This practice sets a **deeply concerning precedent** for identification of future OSW siting and decision-making.

Again, the best—and only—way to deconflict fishing and new ocean development is to include industry experts and scientists as design partners throughout the OSW development process. To be a true partner in discussions, representatives from impacted fleets, put forth by the industry, need to be consulted and engaged throughout, and not only as an afterthought. To reiterate, RODA



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is willing to work with its members and fishing communities at large to provide support and help identify potential representatives as needed.

A piece-meal approach to identifying potential wind energy development areas will be disastrous for local and regional fisheries. Public comments submitted to the docket indicate that more and/or bigger wind energy areas (WEAs) will be prioritized to meet state goals for carbon neutrality. If this is true, robust and inclusive planning is the only path forward to minimizing direct, indirect and cumulative impacts coastwide and ensuring that Californian households can enjoy their electricity *and* their dinners from sources with extremely low carbon footprints.³

The Discussion Area within the Monterey Bay National Marine Sanctuary Is Premature for Consideration

At this time, it is difficult to provide substantive input on whether OSW should be developed in the Discussion Area located within the Monterey Bay National Marine Sanctuary. According to current regulations, BOEM's Issuance of OCS Renewable Energy Leases regulations expressly prohibits leasing any area within the National Marine Sanctuary System:

What areas are available for leasing consideration?

BOEM may offer any appropriately platted area of the OCS, as provided in § 585.205, for a renewable energy lease, except any area within the exterior boundaries of any unit of the National Park System, National Wildlife Refuge System, National Marine Sanctuary System, or any National Monument.⁴

Furthermore, the National Marine Sanctuaries Program has no established mechanism to lease OSW within the sanctuary system. Because regulations would need to be changed (by BOEM) and implemented (by the Sanctuaries Program), there is too much uncertainty to adequately inform if siting within a Sanctuary would be beneficial from a fisheries or environmental perspective. Much more information, including the process by which such leasing may occur, needs to be provided and analyzed to determine the magnitude of impacts that may occur or be minimized by developing the Discussion Area.

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³ Hilborn et al., *The Environmental Cost of Animal Source Foods*, *Frontiers in Ecology and the Environment* 16:6 (2018).

⁴ 30 C.F.R. § 585.204.



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Thank you for your consideration of these comments. RODA and its members look forward to working with the California Energy Commission moving forward. Please do not hesitate to reach out if we can provide additional information or clarification.

Sincerely,

A handwritten signature in blue ink, reading 'Lane Johnston'.

Lane Johnston, Programs Manager

A handwritten signature in blue ink, reading 'Annie Hawkins'.

Annie Hawkins, Executive Director
Responsible Offshore Development Alliance