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Updated Notice of Availability of Outreach on Additional Considerations for Offshore Wind off the Central Coast of Calif

Additional submitted attachment is included below.

Pacific Fishery Management Council

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

September 30, 2020

Ms. Karen Douglas, Commissioner
California Energy Commission
Sent electronically

RE: *TN 231989, UPDATED Notice of Availability of Outreach on Additional Considerations for Offshore Wind off the Central Coast of California*

Dear Commissioner Douglas,

The Pacific Fishery Management Council (Council) submits the following comments in response to the California Energy Commission's (CEC) *Notice of Availability of Outreach on Additional Considerations for Offshore Wind off the Central Coast of California* ("Updated Notice of Availability").

The Council is charged with sustainably managing West Coast fisheries and the habitats upon which they depend. The Council is one of eight Regional Fishery Management Councils established by the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (MSA), and recommends management actions for Federal fisheries off Washington, Oregon, and California. The Council is required to achieve optimum yield for public trust marine fishery resources. Optimizing the yield of our nation's fisheries requires safeguarding these resources, their habitats, and the fishing communities that rely on their harvest.

Essential Fish Habitat

The Council is particularly focused on actions that may have negative consequences for the essential fish habitat (EFH) of Council-managed species. EFH is defined in the MSA as "those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity" (16 U.S.C. §1802(10)). The Central California Areas of Interest, outlined in the Updated Notice of Availability, contain designated EFH for federally-managed Pacific Coast groundfish, coastal pelagic species, Pacific salmon, and highly migratory species.

The MSA requires the identification, conservation, and enhancement of EFH for species managed under the Council's fishery management plans. The MSA authorizes the Council to consult on any Federal or state activity that may affect the EFH of a fishery resource under its authority.

Special habitat types and geological features of high biological significance, sensitivity, or rarity found within EFH are designated as "habitat areas of particular concern" (HAPCs). For example, rocky reefs, estuaries, canopy kelp, seagrass, and several unique geological structures such as

seamounts and canyons are designated as HAPCs for Council-managed Pacific Coast groundfish species because of their high resource value. Furthermore, HAPCs for coastal pelagic species, Pacific salmon, and highly migratory species may also be impacted by the siting, operations, and maintenance of offshore wind energy projects.

Precautionary and data-driven approach for site selection and habitat protection

The Council is concerned about the direct and cumulative impacts of the Updated Notice of Availability with respect to short- and long-term impacts on habitat, commercial, and recreational fisheries, and fishery-dependent coastal communities. Potential habitat impacts from offshore wind energy siting and operations include, but are not limited to:

- Effects of noise and vibration on sea life due to:
    - Drilling into the sea floor to install anchors
    - Laying transmission cables
    - The action of operating turbines
- Destruction of habitat features
- Disturbance of species during construction, installation, and maintenance
- Aggregation of fishes and their predators, with consequent increases in natural mortality
- Scouring and sediment plume formation caused by seafloor trenching and Transmission cable burial
- Impacts of electromagnetic fields from suspended midwater and subsurface transmission cables
- Impacts of the extensive geological and geophysical surveys, including seismic surveys, that may be conducted to inform project design; and
- Effects from increased vessel traffic and anchoring during surveys.

End-of-project-life activities will also create habitat concerns as structures are decommissioned, or if a turbine should fail.

The Council urges the CEC and the Bureau of Ocean Energy Management (BOEM) to adopt a precautionary and data-driven approach to siting offshore renewable energy off central California. We recommend that ocean energy sites not overlap with HAPCs or EFH Conservation Areas (EFHCAs). Once the leasing process begins, the Council suggests establishing buffer zones and using location and design criteria within lease blocks to avoid HAPCs and EFHCAs and to minimize impacts to these areas, including from cable routing, construction, and maintenance activities.

The Council recommends that all HAPCs and EFHCAs be avoided in siting offshore wind energy projects.

Effects on fishing, fishing communities, and economies

As you know, the location of transit lanes for offshore wind operations will be important to West Coast fishing communities and may impact how Council-managed fisheries are conducted. Well-designed transit lanes within offshore wind energy projects minimize costs to fishers traveling through or around offshore wind farms. Additional impacts may affect how fish are harvested, and robust consultation with fishermen should be included in the planning process. Likewise, radar

interference from the turbines has been identified as a major safety-at-sea issue for fishers and other mariners.

The Council notes that for the East Coast Vineyard Wind offshore wind project, the supplemental Environmental Impact Statement found that there would be "major cumulative effects" to fisheries. The Council expects that offshore wind development on the West Coast will have similar effects on West Coast fisheries, including displacing most, if not all, types of fishing in and around the wind project due to safety and liability concerns. Effectively closing these areas to Council-managed fisheries will significantly impact the seafood supply chain, dependent fishing communities, and other aspects of the human environment.

Depending on where projects are sited, they could result in a reduction in total fishing effort and lost productivity (with a significant economic and social impact), or displacement of fishing effort to areas outside the closed areas. Displaced fishers would likely concentrate their efforts immediately outside the wind farm boundary, resulting in increased pressure on fish and habitat in those areas. Understanding these reasonably foreseeable and close causal relationships to the proposed action is a critical prerequisite for constructing and operating any energy production facility in the U.S. Exclusive Economic Zone under the National Environmental Policy Act (NEPA), the California Environmental Quality Act, and other regulatory frameworks.

In addition to direct costs and loss of revenue to the fishing industry associated with displacement of effort, there is little information on the costs and revenue losses that may be incurred by the seafood supply chain. These disruptions could lead to job losses in West Coast fishing communities, weaken fishery-supporting businesses and infrastructure, and provide a competitive advantage to foreign seafood products, which are often harvested with far less precautionary management and a greater environmental footprint.

The Council recommends that project proponents be required to conduct a comprehensive economic analysis of the impacts of offshore wind siting, construction, and operation on the fishing industry as a whole.

Disturbance to scientific research

The siting of offshore wind energy facilities may interfere with long-standing scientific surveys that are critical to the effective management of fisheries by this Council. Loss of survey sites, or the interruption of long-term time series, would impact the precision of data metrics developed over many years. These surveys are extremely important for estimating stock status and biomass and setting sustainable harvest limits by species. The CEC should account for these impacts in its planning processes.

The Council recommends the CEC work to minimize such interference.

To summarize, the Council encourages the CEC to consider the impacts of offshore wind siting decisions to commercial and recreational fisheries and living marine resources during the scoping process, *before* lease applications are considered, and before the permitting and construction phases of offshore wind energy development. Key goals of reducing emissions and ensuring a healthy, sustainable food supply can only be balanced by addressing this problem head-on, rather than assuming fisheries operations and management can simply adapt, or by making late-stage changes to project design.

Future engagement and consultation with the Council

The Council notes the Outer Continental Shelf Management Act, which authorizes offshore wind development in Federal waters, is not the only major Federal law that addresses the use of renewable ocean resources for the nation's benefit. The MSA also provides guidance and regulation on the use of the ocean.

The Council values timely and effective communication and consultation regarding offshore wind industry developments. We encourage the CEC to work with us as these projects move forward, recognizing that the Council and advisory body agendas are set well in advance of each Council meeting, and that Council's meeting schedule does not always align with public comment periods of other processes. The Council, National Marine Fisheries Service, state fishery management agencies, and fishery stakeholders must be informed and engaged in this process, including direct engagement with the Central Coast of California Working Group. We appreciate the extension of the comment period for this notice and ask that you take this into account when setting public comment periods in the future. Thank you for your consideration of our comments, and feel free to contact us should issues arise outside your public comment window. We also look forward to developing a working relationship with offshore wind management authorities to develop and inform the coexistence of offshore renewable energy projects and fisheries.

The Council looks forward to assisting the CEC in developing recommendations, and BOEM in making siting decisions, that avoid impacts to fishing and research activities, EFH, and HAPCs while achieving the long-term goal of responsibly developing this industry. We look forward to reviewing any eventual BOEM NEPA document as it pertains to West Coast fishing activities.

Sincerely,

Marc Gorelnik
Pacific Fishery Management Council Chair

JDG:kma

Cc: Council Members
Mr. Eric Wilkins, CDFW
Ms. Joan Barminski, BOEM Pacific Regional Director
Ms. Annie Hawkins, RODA