

DOCKETED

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*Comment Received From: PETER H FLOURNOY
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COMMENT

Additional submitted attachment is included below.

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PETER H. FLOURNOY

September 30, 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 Number 17-MISC-01**

Dear Ms. Douglas:

I would like to thank you and the CEC, and BOEM for allowing me to submit a comment on OSW energy on the Central Coast. I have been an attorney in the areas of environmental and international law for about 50 years and I represent albacore troll fishermen on the west coast, as well as commercial fishermen using other gear types such as longline, trap, deep set buoy gear, drift net and purse seine. My clients are the men and women who provide the west coast with much of the fresh tuna, swordfish, crab, lobster, halibut, and rockfish consumed by the public.

I will comment first on the lack of outreach made to commercial fishermen by many of the California and Federal agencies as they proceed in their process of exploring, studying, and approving sites for the development of OSW projects. I do thank the CEC and the California Ocean Protection Council for their recent webinars last Wednesday and Friday afternoons which were attended by many government people and a lesser number of commercial fishermen. Actually, it was during one of the calls that I was directed to the BOEM document which lists, through 2018, the public outreach efforts of the BOEM-California Task force which was formed in October of 2016. That document listed 18 meetings with fishermen since 2016 for a total of 142 people. Doing the math this means that each outreach involved perhaps 8 fishermen. This hardly seems much outreach to commercial fishermen since by last count there were almost 3,000 commercial fishing vessels and over 5,000 licensed commercial fishermen in California. Thus, at least through September 2018, this outreach has been inadequate. I think you will agree. I hope BOEM, CEC, OPC, and other government agencies will do a much better job in the future.

Why am I so concerned about outreach to commercial fishermen? They are of course the primary users of the ocean in those places BOEM has suggested would be ripe for OSW development according to water depth and wind speed criteria. Their knowledge of where they fish and how they fish, how they travel to their fishing grounds, what infrastructure in the ports they use are required must be considered at an early stage of any planned development of OSW. While state and federal agencies have some of this data, as

BOEM has conceded elsewhere, it is often incomplete, lacking in specificity, old and out of date, and easily misinterpreted. This requires the input of commercial fishermen so as not to get it wrong.

Coordination and cooperation with local fishermen at the earliest stages of the process is critical to responsible planning. It is apparent in the four years since the formation of the Energy Task Force this has not occurred. While there seems to have been extensive conversations with the military (properly so since they are also a large users of the ocean) and politicians, other government entities such as the Southwest Fisheries Science Center of NOAA, the Pacific Fishery Management Council, the California Fish and Game Commission, the Department of Fish and Wildlife, and the Ocean Protection Council seem to have been treated perfunctorily, at least from the past meetings I could review. These agencies need to be funded so they can do their own research and come to their own conclusions rather than wait for research dollars to be doled out by BOEM such has occurred in the past. And the independent research needs to begin now. A slew of unanswered questions concern how the location, spacing vibration, electromagnetic fields, anchoring of turbines, and their mere presence will affect the ocean ecosystem, to say nothing of fish, marine mammals, and birds' migration patterns, feeding behavior, and spawning proclivity.

I will not make specific comments about the changing areas which BOEM has laid out in Southern, Central, and Northern California because I do not believe enough research has been done yet nor enough data collected for me to do an adequate job of commenting. My concern is with changing the process from what it has been so commercial fishermen can inform OSW developers, and perhaps in the future with a solid basis in cooperation and understanding, share the use of the ocean in a manner which makes sense for one of our oldest and most important professions.

Sincerely,

Peter H. Flourney