

Alliance of Communities for Sustainable Fisheries
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Donne Brownsey, Chair

June 3, 2022

California Coastal Commission

Sent electronically

RE June 8, 2022; CD-0004-22 Bureau of Ocean Energy Management

Dear Chair Brownsey and Commissioners,

The Alliance of Communities for Sustainable Fisheries (ACSF) is a 20-year-old 501(c)(3) not-for-profit educational organization, founded for the purposes of connecting fishermen with their communities, and to represent fishing interests in state and federal processes. The ACSF is a regional organization, with commercial fishing leader representatives from Monterey, Moss Landing, Santa Cruz, Morro Bay, and Pillar Point harbors, and Port San Luis, on our Board of Directors. Port communities, the California Wetfish Producers Association, and several recreational fishing organizations also have representatives on our Board. Thus, the ACSF represents a large cross-section of fishing and community interests for the Central Coast of California.

The ACSF Board has reviewed the Coastal Commission's staff report for the Morro Bay Wind Energy Area (WEA) and potential federal consistency determination, with recommended conditions. The ACSF appreciates the opportunity to comment on the content of the staff report and recommended conditions.

The ACSF commends Commission staff in preparing a report that is very thorough. We especially appreciate the Commission's broad view of BOEM's OSW leasing process by recognizing that many impacts beyond site assessment activities are "readily foreseeable" and must be considered, now. One such set of impacts will be from the cumulative

impacts of both multiple leases in a given WEA, as well as impacts from multiple lease sales and OSW development elsewhere in California and the west coast on our coastwide fisheries.

We support the recommended conditions #'s 1-7, with several additional considerations.

The choices presented to the Coastal Commission are not true choices

The ACSF points out that the analysis of the Humboldt and Morro Bay WEAs for Coastal Zone Management Act consistency determination is predicated on decisions that BOEM made long ago about the location of Call Areas. Whereas BOEM often describes its self-view as having provided “robust stakeholder engagement”, that is largely not the experience of commercial fishermen. We have never been asked, “where is the best place to site OSW farms to avoid conflicts with fishing opportunities?”

Since BOEM’s process places before the Commission sites that are full of industry conflicts as well as environmental uncertainty and risks, Commission choices are very limited if there is a wish to move forward with clean energy development. The ACSF hopes that the Commission will explore its authority to condition or otherwise encourage BOEM’s removal of areas within the WEA’s that are deemed highly valuable to fisheries and/or have high ecological value.

Please note that commercial fisheries and their dependent communities stand apart as the stakeholders who will immediately suffer economic loss due to OSW development.

We make this observation and recommendation in part to address the future of OSW in California. The Commission will likely be evaluating consistency determinations well into the future as BOEM and Energy Commission OSW ambitions play out. For the Morro Bay WEA, the fisheries are highly distributed, so the alternative location, had we have been asked by BOEM, would be for a deeper-water location. For the Humboldt WEA, there are distinct areas of high fishery value that could have been avoided if BOEM had asked.

If BOEM continues to develop Call Areas largely based on the desires of the OSW industry and imperfect data, it is not an exaggeration to say that the state's commercial fisheries north of Point Conception will be decimated, with related effects on coastal communities.

Adaptive management: The table is set but no meal is served

The staff report does a good job of describing the kinds of monitoring and data collection that is needed as OSW moves through site assessment/characterization to project construction and operations. It also correctly describes the opportunities that will exist as phases of project development progress. Importantly, what is missing is discussion of the metrics that might cause adaptive management changes, and the range of actions that might be required of OSW developers. For example, what if the monitoring reveals a marked loss in the strength of upwelling downwind of these large wind farms? Upwelling, of course, is a main driver of ocean productivity on the west coast. There is already peer-reviewed science that tells us that wind speeds will be diminished down-wind of windfarms, and warn of reductions to upwelling. What if the floating turbines, which are very likely to become fish aggregating locations for bait fishes, attract and kill large numbers of seabirds? We could give many more examples of environmental uncertainties, in addition to the consequences of fisheries displacement.

It would seem prudent for monitoring plans to also to establish some thresholds, or stop-lights, for environmental and fisheries harm. What can and should the Commission do about such harm if it occurs?

The ACSF submits that the only way for the Commission to ensure that California's Coastal Act is upheld is to create real, enforceable standards, informed by monitoring plans. These should be conditions for a consistency certification.

Scientific Survey routes; A suggestion to maximize benefits

The staff report correctly discusses the importance of the several long-running scientific stock-assessment surveys that occur in the Morro Bay WEA. Quoting, in part,

"NMFS has recommended continued consultation on the issue to help inform appropriate mitigation strategies on the West Coast that may include

appropriate spacing of future infrastructure within wind farms to allow for survey continuance.”

The ACSF has previously written to BOEM and the US Coast Guard as to the need for a navigation/safety corridor through the WEA, running approximately north-south. Additionally, the ACSF has written to BOEM requesting a scientific control area within the WEA to study before/during/after OSW effects on fish and invertebrates. Sixteen square miles was recommended for this area.

The ACSF suggests that these three objectives could be combined into a single area approximately five miles wide, running approximately south-north through the WEA and located in consultation with NMFS.

Noting that the just-released BOEM Proposed Sale Notice does not show any accommodation for safety/navigation/survey/study corridors in the proposed lease boundaries, the ACSF requests that Condition #4 be amended to be more explicit in serving multiple objectives.

Site Assessment and Characterization activities will have immediate economic costs to fisheries

The staff report includes condition #7 requiring OSW companies to fund an “independent fisheries liaison” to coordinate between OSW developers and fishermen to minimize disruption. The ACSF requests meaningful input into the selection of the liaison. Further, we point out that despite the best communication, displacement and disruption of fisheries will occur, as will the potential for loss of fishing gear. The ACSF further requests that the consistency determination be conditioned on a Fishing Community Benefit Agreement (FCBA) being in place between OSW developers and the regional commercial fishing associations. Such an agreement would create a process for determining and compensating for losses.

Finally on this point, BOEM should be required to actually study the effects of site characterization activities. We believe that BOEM’s assertion that these effects will be “minimal” on fishermen is made without facts in hand.

New Working Group

Condition #7 “requires BOEM to work with state agencies, fishermen, and offshore wind developers to develop a statewide strategy for avoidance, minimization and mitigation of impacts to fishing and fisheries”.

The ACSF supports this condition with the following thoughts:

It is noteworthy and appreciated that BOEM has agreed to participate in such a new working group. This said, we wonder whether BOEM will commit to group recommendations that they don't want to abide. Please see our earlier discussion about selecting Call Area locations. It is easy to imagine locations that fishermen want BOEM to AVOID but that BOEM wants to include for OSW development.

Further, regarding mitigation concepts, the ACSF points out that an “industry letter” has been sent to the Commission along with a Fishing Community Benefit Agreement template (both attached), which are intended to inform the Commission, BOEM, and OSW developers what principles compensation-mitigation agreements should contain. The ACSF requests that the industry-agreed to FCBA template serve as the foundation for compensation-mitigation discussion in the new working group.

The just-published Proposed Sale Notice for five leases in the Humboldt and Morro Bay WEAs contain these stipulations:

- *A 2.5% bidding credit to bidders who have executed or commit to executing a community benefit agreement with a community or ocean users (e.g., commercial fisheries) whose use of a lease area, or whose use of resources harvested from a lease area, is directly impacted by the lessee's potential offshore wind energy development.*
- *A 20% bidding credit to bidders who commit to invest in programs that will advance U.S. offshore wind energy workforce training, supply chain development, or both.*

The ACSF sees the 2.5% vs 20% credit difference to be highly insulting to those of us who will suffer significant socioeconomic costs due to the displacement and disruption of our fisheries, not to mention the loss of seafood to the nation. We believe equal credits of 20% would be more appropriate. While this may be a matter in which the Commission has little say, the ACSF wants to be on public record with our perception.

Thank you for considering comments and requests from the Alliance of Communities for Sustainable Fisheries.



Alan Alward

Co-Chair

CC

ACSF Board of Directors



Frank Emerson

Co-Chair