

California Coastal Commission

February 9, 2022

State Lands Commission

California Energy Commission

Sent electronically

RE Creating a template and managing Entity to address unwanted, adverse impacts on California's fisheries from Offshore Wind Development

Dear Commissioners,

We the undersigned commercial fishing organizations (CFO's) support the concepts found in the attached Fishing Community Benefit Agreement (FCBA) template. While we do not claim to represent the interests of *every* commercial fishing (CF) man and woman in the state, we do feel that our collective view represents the great majority of the State's CFO's which will be impacted by offshore wind (OSW) development. The term "fisherman" is used herein to be inclusive of our fishing men and women.

Fishermen have (and will continue to) press BOEM to effectively AVOID, MINIMIZE, and MITIGATE the impacts of offshore wind (OSW) development to commercial fisheries and seafood supply from the size and location of Wind Energy Areas (WEA's). These efforts have been frustrating and largely unproductive. The two California WEA's portend BOEM lease awards, soon, with the high likelihood that more California Call Areas will be identified in the months to years to come.

This letter and attached draft template discuss compensation-mitigation for the effects of losing fishing grounds. Please know that we would rather be allowed to continue to have access to our traditional fishing grounds than to have monetary compensation. This effort could be likened to taking out an insurance policy: no one wants losses from OSW, but if/when there is a loss, there should be a mechanism to make a claim.

Efforts have already begun to form the "Entities", legally organized under California and federal law, referenced in the template, to help manage impacts to

fisheries from OSW development. These new Entities will be founded on principles of inclusion and represented democracy for our fishing interests aimed at creating fleet and community resilience. The Entity will be the CF negotiator with OSW companies for financial compensation, as well as other types of mitigation and communications, and will distribute both initial one-time funding that may be provided as well as funding that continues through the term of the lease. The main purpose of the Entity and funding is to preserve and enhance fleet resilience in the face of lost fishing opportunity. We seek to keep people fishing and keep seafood products being delivered to our communities and the state, despite obstacles.

There may be more than one Entity in California to address regional needs and differences. However, it is envisioned that the purpose and governance structure of each of these will be similar. Varying levels of benefits will be available to those who fish in the region. It is also hoped that this template may also be useful for future offshore aquaculture projects that, if permitted for development, disrupt and displace fisheries.

Included in the FCBA template is a list of impacts to commercial fishermen and our communities from OSW development. This list represents known impacts, but there may be other impacts that become known when the OSW developers submit Construction and Operations Plans, as well as once operations begin; therefore, any FCBA's that are negotiated in advance must have the ability to be amended.

We ask that the California Coastal Commission, the State Lands Commission, and the California Energy Commission, use all available authorities to support the state's commercial fishing men and women by requiring OSW developers to negotiate FCBA's in good faith with the Entities. The principles set forth in the FCBA template should guide the negotiation. Such state authorities could include those found under the Coastal Zone Management Act's consistency determinations and certifications, as well as direct project permit conditions, and/or State Lands leases. We believe such support is consistent with the language of California's Coastal Act.

We hope that it is helpful to the Coastal, State Lands, and Energy Commissions to hear the consensus voice of California's commercial fishing men and women on

how compensation and other mitigation should occur if OSW takes over large sections of our traditional fishing grounds. Please note that the State's Association of Harbormasters is also supporting our effort, benefits to our small craft harbors being clear.

On behalf of:

Supporting organizations

Alliance of Communities for Sustainable Fisheries

Alan Alward, Co-Chair

Crescent City Commercial Fishermen's Association

Rick Shepard, President

Trinidad Bay Fishermen's Association

John Provolt, President

Humboldt Fishermen's Marketing Association

Harrison Ibach, President

Shelter Cove Fishing Preservation Association, Inc

Jake Mitchell, President

Salmon Trollers Marketing Association of Noyo

Tony Cannia, President

Bodega Bay Fishermen's Marketing Association

Lorne Edwards, President

San Francisco Crab Boat Owners Association

John Barnett, President

Santa Cruz Commercial Fishermen's Marketing Association

Mike Hubbell, President

Moss Landing Commercial Fishermen's Association

Tom Hart, President

Monterey Commercial Fishermen's Association

Mike Ricketts, President

Morro Bay Commercial Fishermen's Organization

Tom Hafer, President

Port San Luis Commercial Fishermen's Association

Chris Pavone, President

Commercial Fishermen of Santa Barbara

Christopher Voss, President

San Diego Fishermen's Working Group

Pete Halmay, President

California Association of Harbormasters and Port Captains

Andrea Lueker, President

CC

BOEM

CA Department of Fish and Wildlife