

## MARINE PLANNING COMMITTEE REPORT ON MARINE PLANNING ISSUES

The Pacific Fishery Management Council's (Council) Marine Planning Committee (MPC) met online on July 27, 2023, to prepare for the September council meeting (see H.3.a MPC Report 1) and in anticipation that the draft Wind Energy Areas (DWEAs) off the Oregon Coast and supporting information might be available for review. However, The Bureau of Ocean Energy Management (BOEM) did not issue the DWEAs until August 15, after the MPC had met. In addition, the three Morro Bay, California, offshore wind (OSW) lessees provided draft Fisheries Communications Plans for review and comment (H.3 Attachments 8, 9, and 10) after the MPC had met.

To accommodate MPC discussion of the new developments in time for the September Council meeting, Council staff added a BOEM/National Center for Coastal Ocean Science NCCOS) presentation to the Coastal Pelagic Species Advisory Subpanel (CPSAS) online meeting on August 30 (recording is [here](#)), and added a joint Groundfish Advisory Subpanel (GAP) and MPC meeting to the September 1 GAP meeting for questions to BOEM/NCCOS and for MPC discussion (recording is [here](#)). Representatives from BOEM, NCCOS, and the three Morro Bay lessees were present.

Time for questions and discussion at the September 1 GAP/MPC was short, and it was not possible to discuss issues in detail or to explore areas of consensus among the MPC members. This report provides initial observations expressed by MPC members and the public and is intended to lay the foundation for a Council comment letter on the draft WEAs, and for providing feedback to the lessees on the draft Fishery Communication Plans (FCPs).

It is important to note that the comment deadline for the draft WEAs is October 16, 2023, providing this meeting as the only opportunity for the Council to hear from advisory bodies and the public, and discuss potential subjects for inclusion in a quick response letter to BOEM. It is also important to note the MPC remains frustrated by the lack of importance of meaningful engagement with stakeholders by BOEM, despite multiple conversations of potential dates for MPC and Council meetings, to provide timely information that would generate more robust discussions. As described below, multiple MPC members and the public participating in the webinar questioned whether the timing of DWEA announcement allowed for BOEM to foster meaningful engagement, and how responsive BOEM was to the request for a pause.

### **Draft Wind Energy Areas off Oregon**

On August 15, [BOEM announced two DWEAs](#) in the existing Call Areas off the southern Oregon Coast. The DWEAs cover approximately 219,568 acres (343 square miles) with their closest points ranging from approximately 18-32 miles off the coast. DWEA A, within the Coos Bay Call Area, covers 61,204 acres (95.6 sq miles) while DWEA B, within the Brookings Call Area, covers 158,364 acres (247.4 sq miles).

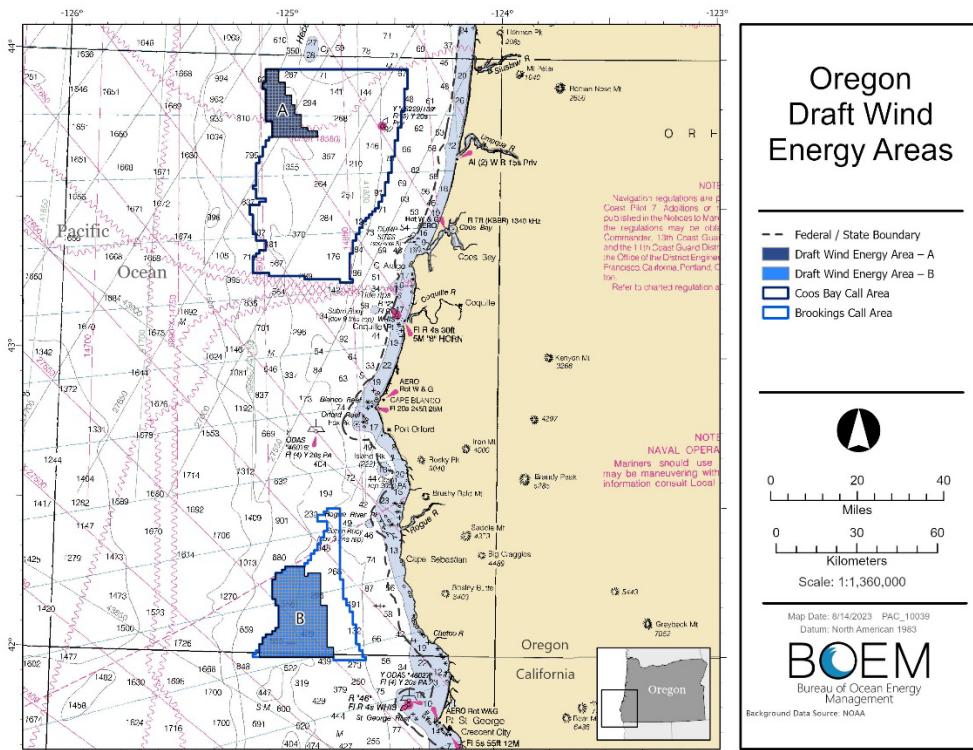


Fig 1 – Oregon DWEAs. Source - [PAC\\_10039-OR-Draft-WEAs-NOAA-Chart.jpg \(2750×2125\) \(boem.gov\)](#)

BOEM also published a Request for Comments on the DWEAs ([H.3 Supplemental Attachment 5](#)), with a public comment period deadline of October 16, 2023. With the publication of the DWEAs, BOEM provided the public with the draft BOEM/NCCOS Joint Report, “*A Wind Energy Area Siting Analysis for the Oregon Call Areas*” (Draft Report) ([H.3 Attachment 6](#)).

To summarize prior OSW activities leading up to this point, BOEM published a [Request for Information and Nominations: Commercial Leasing for Wind Energy Development on the Outer Continental Shelf Offshore Oregon](#) on April 29, 2022. On June 28, 2022, the Council submitted a [comment letter](#) in response to the Request for Information and Nominations of the Oregon Call Areas. During the February 2, 2023, MPC meeting and the March 2023 Council meeting, the Oregon Department of Fish and Wildlife (ODFW) and National Marine Fisheries Service (NMFS) presented their [joint analysis](#) characterizing fisheries footprints. All fisheries operating off the Oregon coast were evaluated, but, again, varied in what effort and revenue data were available, as addressed more below. Combined effort and revenue (i.e., landing revenue) fisheries spatial data were presented for the nine fisheries that had sufficient spatial information, as well as recommendations for scoring the fisheries layers in the NCCOS model, including a proposal for a combined trawl fisheries layer. The February 2 slides and recording are found [here](#), and the March 9 slides here and recording are found [here](#).

During its March 2023 meeting, the Council voted<sup>1</sup> to submit a [letter to BOEM and Oregon Governor Tina Kotek](#) asking BOEM to rescind the Call Areas off Oregon and restart the process

<sup>1</sup> The State Agencies (California, Washington, and Oregon) and NMFS abstained.

of identifying Call Areas by considering all areas greater than 12 miles offshore, including areas deeper than 1,300 meters, avoiding seamounts, and utilizing spatial planning tools to help minimize OSW development impacts to fisheries and ecosystem resources. BOEM responded to that letter on August 14, 2023 ([H.3 Attachment 3](#)).

Given the very short time frame between the issuance of the DWEAs and the September Council meeting, it was not possible for the MPC to have robust discussions on the DWEAs and the spatial modeling methods and full suite of data used to identify DWEAs as described in the Draft Report. Advisory Body (AB) members of the MPC were encouraged to engage with their respective ABs for feedback and comments within this short timeframe. While we are very appreciative of Council staff's efforts in coordinating venues for members of the Council family to have the opportunity to hear a brief presentation by BOEM and NCCOS and have a brief opportunity for questions and initial comments, the short and rushed timing was far from the time and space needed to sufficiently comprehend and consider the methods and findings of the complex spatial analysis as well as engage in MPC and AB discussion. As a result, we provide an outline of potential issues the Council may wish to include in a comment letter on the DWEAs and the modeling approach. Before we provide those recommendations, we offer some general initial thoughts on the DWEAs and Draft Report.

### **General Comments**

BOEM announced a 60-day public comment period for the DWEAs, longer than what has historically been offered at the DWEA stage. Most recently, BOEM had a 30-day public comment period for DWEAs in the Central Atlantic and a 45-day comment period for DWEAs in the Gulf of Mexico.<sup>2</sup> This longer period is due to requests from [lawmakers](#), [Governor Kotek](#), and the public, to encourage more meaningful engagement with stakeholders and provide the public more time for comprehensive comments.

The Draft Report is lengthy (186 pages) and technical. A thorough review was not possible given time constraints, but the MPC highlights a few items that could be incorporated into a comment letter:

- **Data concerns:** The Draft NCCOS Report states: “over 400 data layers were acquired during data inventory.”<sup>3</sup> Appendix A of the Draft Report provides a list of data utilized for this spatial planning analysis. Appendix A lists a total of 40 datasets. Of these, links are provided for 10, the metadata links 23 of the datasets that are unpublished, and the remaining seven are available upon request. As the MPC continues to digest the content of the Draft NCCOS Report, questions remain about the quantity, quality, and thoroughness of the data used in the model. The MPC is also concerned about some of the assumptions and methodologies that were utilized in the model and either not included in the report and/or not explained during the meetings. There is a lack of transparency regarding the selection of data included in the model or considered, making the suitability analysis difficult to follow, in addition to the time being insufficient to understand the explanations given.

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<sup>2</sup> The public comment period for DWEAs in the Gulf of Mexico was originally 30 days; but was extended by another 15 days.

<sup>3</sup> Section 2.3.2., pages 18 & 19.

- Narrow NCCOS modeling effort: The NCCOS modeling efforts considered only areas within boundaries of the Call Areas. No efforts were made to determine if there were more suitable areas outside the Call Areas, despite multiple requests to do so. As shown in the Draft NCCOS Report and validated during the joint GAP/MPC meeting, the wind potential is similar across large areas of the Oregon Coast. The heart of environmental impact analysis under the National Environmental Policy Act (NEPA) is the comparison of alternatives for how well they would achieve the purpose and need of the proposed action against the suite of impacts they are expected to cause. And this is what is lacking for many. There is not a solid understanding of why the potential wind energy areas chosen are preferable in terms of having lower impacts to fisheries than comparable areas. Because of the narrow modeling focus, there is a lack of confidence that BOEM did an adequate job in identifying Call Areas and DWEAs with the lowest possible impacts to fishing communities. The intent of NEPA and related laws is to ensure that the public has the same information as the decision makers and understands the trade-offs considered before decisions are made). Concerns remain about the piecemeal approach BOEM is taking in siting of WEAs and narrow focus on cumulative impacts of OSW on the marine environment and fisheries. For instance, the southern end of Area B, within the Brookings Call Area, is less than 50 nautical miles from the two lease sites off Humboldt in California. We understand that BOEM's process involves conducting more thorough analysis before the Construction and Operations phase. However, such fundamental analyses should come during the planning phases before key area identification decisions are made.

While BOEM has concentrated on *direct* impacts to fishing (and loss of operational fishing flexibility due to gear types), the Draft Report lacks the modeling necessary to show the potential decrease in fishing ground flexibility to fishermen based on the wind energy itself. The DWEAs and other areas being considered for development are frequently also the prime areas for the densest fish populations due, in part, to upwelling. Wind is essential to marine productivity. Accessing and/or removing the wind energy in the best areas could lead to lower fish abundance, which is something that should be modeled.

- Inclusion of fisheries data sets: We are appreciative of BOEM and NCCOS including the fisheries datasets provided by ODFW and NMFS in developing a combined fisheries data layer.<sup>4</sup> The nine fisheries identified for the model included groundfish bottom trawl, at-sea hake mid-water trawl, shoreside hake mid-water trawl, pink shrimp trawl, groundfish fixed gear pot, groundfish longline, commercial albacore, charter albacore, and Dungeness crab pot fisheries. The MPC remains concerned about the lack of recreational fishing data other than albacore charter included in any of the data layers but understands there is a lack of recreational spatial data and the commercial data also cover or overlap many of the recreational fishing grounds. Additionally, ODFW/NMFS had only a limited amount of time to pull the information together. Recreational fishermen noted the Brookings DWEA could potentially create problems for private sport albacore fishing, deep-water halibut and groundfish bottom fishing because it creates a navigational challenge. Additionally, the Coos Bay WEA could also present navigation and safety issues, especially for vessels fishing Heceta Bank and then transiting farther offshore. And while not *directly* related to active fishing, the draft Coos Bay WEA is a Dover sole spawning area. NOAA survey reports have shown it also is a forage and/or spawning area for Pacific sardine, with larval

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<sup>4</sup> See Appendix E, pages 153 - 166

transport taking place through the Call Area to reside their first year in the Umpqua River estuary.

- Socioeconomic data layer for recreational fisheries and ports is deficient: The economic measure used in the fisheries data layer is based solely on ex-vessel revenues, which doesn't provide a full depiction of sport and commercial fishing's effects on coastal communities and ports. Socioeconomic relationships in coastal ports should be considered beyond the revenues paid directly to fishermen. The Pacific Fishing Effort Mapping (PacFEM) project<sup>5</sup> considers these socioeconomic relationships for all west coast fisheries and ports. This project is in progress and is designed to inform marine spatial planning efforts such as the siting of WEA(s). Initial PacFEM products that should be used to inform siting are expected to be made available in late 2023 or early 2024.
- The modeling was rushed: The inability to provide additional data/information due to time constraints is a common theme in the Draft NCCOS Report. The Draft Report includes many references in which time and/or incomplete information precluded adequate evaluation of other fisheries (pages 24 & 154), other fish species (page 122), Coastal and Marine Ecological Classification Standard (CMECS) substrate attributes (page 134), mesoscale eddies data layers (pages 135 & 137), future shifts in habitat and species distribution (page 135), and other oceanographic features such as preferred temperature, depth, chlorophyll, and prey distribution (page 137). In addition, we note that juvenile and larval fish distribution data provided by NMFS are not included as a data layer in the model. While the Draft Report does include juvenile and larval fish distribution data in Appendix F, the MPC and the Council would have benefited from having a better opportunity to consider the potential role of the data in the development of DWEAs.
- Limited incompatibility layers: The Department of Defense Exclusion Area, which covers more than half of the Coos Bay Call area, and the U.S. Coast Guard Pacific Coast Port Access Route Study (PAC-PARS) fairways were the only activities deemed completely incompatible with offshore wind and thus considered constraints in the NCCOS model. As one instance of confusion over the inclusion and exclusion and the scoring and weighting of data, members of the MPC expressed concern about the methodology BOEM and NCCOS utilized in addressing certain species listed under the Endangered Species Act (ESA). For example, Leatherback Sea Turtles (LST) and the Southern Resident Killer Whale (SRKW) are both listed as endangered with declining populations. BOEM noted that they did consider the ESA listed species and ESA consultations will be required to evaluate jeopardy and adverse modification to critical habitat. Yet some believed the status of these populations meant they should be scored as constraints in the model. As the Council is well aware, our West Coast fisheries are managed to avoid potential interactions with leatherback sea turtles. The Pacific Leatherback Conservation Area closed large swaths of the ocean to specific gear types during times when it was expected LSTs would be foraging off the coast. Washington, Oregon, and California have introduced entanglement risk reduction measures for their Dungeness crab fisheries for whales and sea turtles. The California Dungeness crab fishery could be closed, or the opening delayed, to minimize the risk of entanglement if a LST is in the vicinity. That fisheries are subject

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<sup>5</sup> This project is a collaborative state-federal project underway by PSMFC, led by NMFS and funded in part by BOEM.

to such constraints while offshore wind development is not represents a troubling philosophical dichotomy. Similarly, concern was also expressed about the failure to include the ESA-listed short-tailed albatross in the bird data layer.

- Levelized cost of energy layer: The Wind Submodel<sup>6</sup> uses the Levelized Cost of Energy for 2027 (LCOE). This was based on a 2021 report prepared by the National Renewable Energy Laboratory (NREL). The MPC questions whether the values provided (\$/MWh) are still valid, given recent events on the East Coast, where developers are asking for changes or increases in power purchase agreements by as much as 65%. For example, the Empire Wind 2 power price would have to increase from \$107.50 per megawatt hour (MWh) to \$177.84/MWh for companies to justify development.<sup>7</sup> Given this, the range cited for LCOE in the Draft Report (\$48.7/MWh to \$80/MWh) seems unrealistic. It is understood that the model only uses the estimates in the relative sense (i.e., to compare one area to another). Nonetheless, the absolute values are important in terms of the standing of OSW in West Coast plans to decarbonize the economy.
- Potential impacts to NOAA scientific surveys: The MPC remains concerned about potential disruptions to these important surveys. In June of last year, NMFS responded to BOEM’s Call for Information — Commercial Leasing for Wind Energy Development on the Outer Continental Shelf (OCS) Offshore Oregon.<sup>8</sup> Included within that document is a graphical depiction of NMFS Scientific Surveys Conducted within the Brookings Call Area and Vicinity.<sup>9</sup> The Groundfish Bottom Trawl Survey samples in both DWEAs. In the southern portion of DWEA B in Brookings, there are NMFS Sampling Stations for the Pre-recruit Survey, West Coast Pelagic Fish Survey, Northern California Current Ecosystem Survey, and Integrated Ecosystem and Pacific Hake Survey (see Figure 3.25, page 69, and Appendix D of the Draft Report). The Council may wish to ask NMFS to quantify the potential uncertainty that could result in the stock assessments and other scientific products used to inform management from changes to these NMFS surveys in the draft WEAs, if a full build-out of offshore wind energy was completed in the DWEAs. It would also be worthwhile to also consider the potential uncertainty when the five California lease areas are fully built out. The MPC is concerned that in the siting process, there hasn’t been a wider ecosystem-wide approach, including potential impacts to NMFS surveys, taken to consider this issue in the context of California’s 25 GW goal and the 3 GW that BOEM is seeking off the Oregon Coast, related to Oregon’s renewable energy goals.

### **Draft Fisheries Communications Plans**

The September Briefing Book includes three draft FCPs from the three Morro Bay OSW lessees. Representatives from Equinor, Golden State Wind and Invenergy/Even Keel attended the Joint GAP/MPC meeting on September 1 and were available to discuss and answer any questions. Unless granted an extension by BOEM, the DFCPs have to be finalized by September 29. Our [Supplemental MPC Report 2 from the June meeting](#), describes the requirements for these Plans. The MPC applauded the efforts of the lessees to engage with the local fishing community

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<sup>6</sup> See pages 51 – 53.

<sup>7</sup> [Equinor, BP seek 54% hike in US offshore wind power price, filings show \(msn.com\)](#)

<sup>8</sup> See [Regulations.gov](#)

<sup>9</sup> See Figure 27, page 48 of the NMFS June 28, 2022 comment letter

and encouraged them to expand their conversations to interested fishing community members who may be based in areas outside of Morro Bay and Avila. The HMSAS representative to the MPC described how the albacore and other HMS fisheries has historic use and dependence on areas near or within the lease sites; and that community extends from San Diego, California to Bellingham, Washington. He committed to working with the lessees in getting them in contact with representatives from the albacore fishery. Several suggestions were made regarding how to be most efficient in engaging and outreach. The lessee's representatives were amenable to those suggestions and are very cognizant of the demands being made on the fishing industry from the many venues in which OSW is discussed. Interested persons can reach the lessees to discuss the DFCPs as follows:

[Golden State Wind](#) - Rachel Mahler; Fisheries Liaison; [rachel.mahler@oceanwinds.com](mailto:rachel.mahler@oceanwinds.com)

[Even Keel Wind/Invenergy](#) - Laura Casali, Fisheries Liaison. [Laura.Casali@stantec.com](mailto:Laura.Casali@stantec.com)

[Equinor Wind US](#) - Elizabeth Marchetti, Fisheries Liaison; [emarc@equinor.com](mailto:emarc@equinor.com)

### **Possible Council Action(s):**

- 1) Direct the MPC and Habitat Committee to develop a comment letter utilizing the QR process.

Below is an outline of items the MPC recommends would be important to include in such a comment letter. This would be in addition to highlighted concerns, including those raised above. The MPC could not come to consensus on a specific action to recommend to the Council. Some support reiterating your action from March, in effect asking BOEM to cancel the DWEAs, rescind the Call Areas and start over. Others support asking BOEM to not taking any actions in furtherance of offshore wind leasing off Oregon until additional information is obtained and there is a better understanding of why the areas chosen would achieve the OSW goal with the least cost to fishing communities.

Proposed QR Outline:

Council request to BOEM

- Potential Council Request(s):
  - o Cancel the DWEAs, rescind the Call Areas and start over (see April 6 letter to BOEM)
  - o Request BOEM not take any further actions offshore Oregon until:
    - Concerns outlined in the QR letter are addressed.

Meaningful Engagement and Transparency

- Recommendations on how to improve transparency and communication.
  - o More information on rationale for data used and excluded from the siting process.
  - o Rationale provided for the modeling decisions not just the meta data for the data layers selected for the model (i.e. rationale BOEM not including any recommendations for constraints)

Suitability Model Recommendations (based on submodels but should include WEA specific examples)

- Constraints
  - o Recommendations for data to be included in the constraints
- Wind
  - o Request for more rationale
- Species and Natural Resources
  - o Protected Species
  - o Habitat
    - EFH
    - HAPCs
    - Links to the Fishery Ecosystem Plan
  - o Sea Birds
- Fisheries
  - o Sector specific recommendations and data gaps that should be addressed
    - HMS
    - Groundfish
    - Salmon
    - Halibut
    - Recreational
  - o Socioeconomic data
    - Include information on potential impacts to ports (not just in OR)
    - Request to wait for PacFEM
  - o Coast wide analysis
    - Inform cable corridors
    - Inform siting to justify reducing impacts to resources and fisheries
    - Inform fishery displacement
  - o Spatial and temporal analysis
    - Address distribution shifts due to displacement and changing climate
  - o Safe Transit for Fisheries
- Scientific Surveys
  - o Impacts to Council managed species and management decisions
- Recommended data to include in suitability model
  - o Larval
- Cumulative impacts analysis
  - o Upwelling

2) Submit a request for an extension of the public comment deadline.

While the MPC and members of the public who attended the September 1 joint MPC/GAP meeting appreciate BOEM's establishing a 60-day comment period for this action, many felt this was inadequate given the importance of the DWEA designation, ongoing fishing seasons for fisheries most likely to be directly impacted by the potential loss of fishing grounds, etc. There is a concern that meaningful engagement and informed comments will not be possible given the above and the



[five scheduled meetings by BOEM](#) in support of the DWEA designations. Meaningful engagement should be more linear in nature (presentations, discussion, then comment period) and not abbreviated within the comment period.

3) Request that NMFS quantify the potential uncertainty in scientific surveys.

The Council could ask NMFS to quantify the uncertainty that would affect the stock assessments and other scientific products used to inform management from changes to these NMFS surveys in the draft WEAs if a full build-out of offshore wind energy was completed in the DWEAs. This evaluation could incorporate an evaluation of the California WEAs and the impacts to scientific surveys.

**Upcoming events:**

- September 13 (9:30 - 3PM) - Washington Coastal Marine Advisory Council (WCMAC) meeting. [The agenda](#) includes updates from the Governor's Office on OSW, updates on activities of the WCMAC OSW Committee, and BOEM updates on Pacific Region activities.
- [Meetings related to the DWEAs off Oregon:](#)
  - September 18 (9AM - 2PM) - Virtual Oregon Intergovernmental Renewable Energy Task Force Meeting. Register here - [Webinar Registration - Zoom](#)
  - September 21 (5 - 8PM) - **Informational Fishing Webinar** (fishing data focused). No registration information available as of September 5
  - September 26 (4 - 8PM) - **In-person public meeting - Gold Beach, Or.** Event Center at the Beach, Docia Room; 29392 Ellensburg Avenue
  - September 27 (4 - 8PM) - **In-person public meeting** - Coos Bay, Or. Coos Bay Public Library, Myrtlewood Room, 525 Anderson Avenue
  - September 28 (4 - 8PM) - **In-person public meeting - Brookings, Or.** Southwest Oregon Community College - Curry Campus, Commons Room, 96082 Lone Ranch Pkwy

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