



Responsible Offshore Development Alliance

November 18, 2021

Ms. Amanda Lefton, Director
Bureau of Ocean Energy Management
45600 Woodland Rd
Sterling, VA 20166

Re: BOEM Draft Data Gathering and Engagement Summary Report: Oregon Offshore Wind Energy Planning October 2021

Dear Director Lefton:

The Responsible Offshore Development Alliance (RODA) submits the following comments regarding the Bureau of Ocean Energy Management (BOEM) Draft Data Gathering and Engagement Summary Report: Oregon Offshore Wind Energy Planning.¹ RODA is a coalition of fishery-dependent companies, associations, and community members committed to improving the compatibility of new offshore development with their businesses. Members of our coalition operate in federal and state waters of the Pacific, New England, and Mid-Atlantic coasts.

The Draft Report summarizes BOEM's outreach related to wind energy planning off Oregon to date. We appreciate the BOEM's efforts to participate in meetings and workshops, particularly those with the Pacific Fishery Management Council (PFMC). However, significantly more work is needed to characterize fisheries that operate off the coast of Oregon to inform impending decisions on offshore wind energy (OSW) development in order to avoid, minimize, and mitigate conflicts with traditional and historic seafood harvesting.²

Significant Advances in Research and Data Must Occur before Siting

The Report outlines the improvements made to the West Coast Ocean Data Portal by adding a mapping feature, allowing the public to plot fisheries data made available on the website. All due care must be taken to ensure the most recent, accurate, and comprehensive data is used for siting decisions. Due to environmental, market, and other conditions, the data used for prior offshore

¹ See https://www.boem.gov/sites/default/files/documents/regions/pacific-ocs-region/renewable-energy/Draft%20Data%20Gathering%20and%20Engagement%20Summary%20Report%20OR%20OSW%20Energy%20Planning_0.pdf

² Suggestions for such efforts are included in scores of previous letters from fishing industry groups to BOEM, including RODA's letter regarding the June 4, 2020 Oregon Intergovernmental Task Force Meeting. <https://rodafisheries.org/wp-content/uploads/2020/07/200602-BOEM-OR-TF.pdf>

energy planning activities (such as that used for the WindFloat Project in 2013) are no longer descriptive of current fishing activity and fisheries resources. Certain fisheries data sets also have significant limitations and the Task Force must work with fisheries experts such as the industry, National Marine Fisheries Service (NMFS), the Oregon Department of Fish and Wildlife (ODFW) and PFMC to interpret the utility of those data sets. For example, AIS (and even VMS in many cases) is not adequate to describe vessel traffic patterns as those data greatly underrepresent actual activity.

We support the comments previously submitted by Oregon Department of Fish and Wildlife (ODFW) on the data layers present in the OROWindMap.³ ODFW specifically highlights concerns of data accuracy, timeliness, and missing fisheries in detail. Reliance on insufficient and inaccurate data during siting will lead to severely conflicted development.

Science Products and Processes Must Include Fishermen

The OROWindMap project greatly increases public accessibility of limited fisheries data. However, the datasets included are limited and manifestly inadequate for siting purposes. They may even be misleading; given the sparsity of fisheries data and the lack of its context, the public is left to make their own conclusions regarding fishing activity. The site would greatly benefit by providing explanations of individual fisheries, their associated regulations, and how those interact to dictate fishing patterns.

Fishery management agencies have greatly improved the scientific record through cooperative research with the fishing industry, and both entities understand that the best knowledge and evidence comes from these collaborative partnerships. At the same time, most other recent ocean zoning activities have excluded fishermen's participation in practice or by design. Simply put, fisheries-related scientific products and processes that do not directly include industry experts will not produce credible nor correct results. There needs to be a bottom-up effort to work with fishermen to create a trustworthy process for science and research, which will be far more extensive than simply backfilling existing processes and data sets.

A Planning Process for Fisheries and Offshore Wind Has Not Yet Occurred

The mooring systems and floating inter-array cables associated with floating OSW projects severely limit the fishing gear types that can operate within a wind energy area, if any. This conclusion is evident from even a basic understanding of fishing vessel operations and has been

³ ODFW Supplemental Report 1 (Sept 2021) <https://www.pcouncil.org/documents/2021/09/e-1-a-supplemental-odfw-report-1.pdf>

ODFW Supplemental Report 2 (Sept 2021) <https://www.pcouncil.org/documents/2021/09/e-1-a-supplemental-odfw-report-2-odfw-comments-on-owindmap-biological-human-non-fishing-and-physical-data-layers.pdf>

demonstrated in installed floating arrays abroad. Major Oregon fisheries and NMFS surveys that inform stock assessments will also not be able to perform vital operations within an array. Since floating wind energy arrays will constitute *de facto* closures, siting is the single most important decision toward determining whether a project is compatible with fishing. Despite the importance of the siting process, members of the BOEM Oregon Intergovernmental Task Force and others are rapidly and deliberately proceeding with siting activities without having even initiated contact with the impacted fishing groups.

Collaboration Occurs too Late

The Draft Report summarizes the number of meetings held with each sector affected by this process. The number of meetings held is irrelevant if BOEM does not take additional steps to partner with fisheries experts--especially industry participants--to interpret, build upon, and refine the feedback it receives. There is a fundamental difference between “engaging” and “listening.” The latter takes time, transparency, and accountability. Fisheries participants and experts must be wholly integrated into every step of the planning process through true collaboration.⁴

Full Environmental Review Must Occur at the Onset of Siting

Fisheries concerns cannot be adequately addressed through the environmental review process alone as it is currently implemented. BOEM only conducts a full Environmental Impact Statement (EIS) at the late stages of project permitting, and decision points in the EIS are limited to those with a federal nexus. In reality, most project decisions occur at the state level. This point has been raised repeatedly by Oregon fishing groups and others, including in the responses to BOEM’s 2015 Request for Feedback. Transparent and inclusive planning needs to occur either supplementally to the NEPA process in conjunction with the way project decisions are made, or incorporated through a Programmatic EIS prior to leasing.

BOEM should never consider unsolicited bids from prospective wind energy developers. Fishing groups have consistently raised this request to BOEM through public comments, petitions for rulemaking, through litigation, and all other available channels. An unsolicited bid is, by nature, an end-run around any effective public multi-sectoral public process as it predisposes decisions based on mere reliance that a private party has done its due diligence.

Federal Waters off Oregon Need a Full and Inclusive Marine Spatial Planning Process

⁴ This should include, but not be limited to the Pacific Fisheries Management Council Marine Planning Committee. The supplemental report from the Committee’s Nov meeting can be found at: <https://www.pccouncil.org/documents/2021/11/c-2-a-supplemental-mpc-report-1.pdf/>

In the development of its Territorial Sea Plan (TSP), the State of Oregon made a diligent effort to work with partners including fisheries experts to understand uses of state waters. This was largely an effective example of planning for multiple ocean uses. However, the original TSP focused primarily on state waters (to 3 nm) and significant work will be required to both fully expand it to federal waters and to update the data relevant to fishing activities. Oregon's federal consistency review will apply to offshore projects with reasonably foreseeable effects on coastal resources, but is neither intended nor allowed to influence federal waters OSW project design according to NOAA's National Ocean Service. Experience in other states has additionally shown that federal consistency review occurs too late in a project to minimize conflict and is not an effective replacement for comprehensive front-end planning for federal waters projects.

Offshore Wind Poses Major Conflicts with Fisheries

Due to the planned use of floating offshore structures for wind energy development off of the Oregon coast, lease areas will become *de facto* closures to fishing. Technology is evolving to minimize the footprint of the base of an offshore wind platform, but current proposed technologies still have mooring lines and flexible cabling that will make any type of fishing—fixed or mobile gear—unsafe and thus unlikely within a project area. Offshore wind energy development in the Eastern Pacific is therefore a topic of extreme concern to the region's fishermen and fishing-dependent communities. For fishermen who operate offshore Oregon, the potential impacts from WEAs and the conflicts that will compromise their ability to conduct the business of feeding the nation are numerous and significant. Some, but far from all, of the concerns held by fishing communities include:

- Environmental and ecosystem impacts, such as changes in species composition and risk of invasive species colonization;
- Access constraints with limited ability to simply “fish in other areas” due to complex regulatory restrictions under the Magnuson-Stevens Act, Endangered Species Act, and state laws;
- Accommodation of transit needs, marine radar functionality, and principles for safety at sea;
- Disruptions to critical scientific surveys and assessments that serve as the foundation for sustainable fisheries management;
- Lack of comprehensive understanding of the cumulative impacts of multiple project sites as well as multiple ocean management measures including Marine Protected Areas/marine sanctuaries and emerging offshore aquaculture;
- Impacts associated with effort displacement, such as changes in bycatch composition that will further constrain catch limits or increased fuel cost and emissions resulting from increased travel time to fishing grounds;
- Interactions between offshore energy activities and protected resources such as endangered whales and seabirds that drive severe restrictions to fishing operations;

- Increased competition for limited space in local ports and harbors, creating severe competition for shore side support facilities which are already scarce;
- Overwhelming demands on time and meeting fatigue for engaging in offshore wind-related efforts led by each project, state, and others, especially if no result is achieved;
- Coordination failures leading to state-specific mitigation requirements that fail to account for the regional nature of many fisheries and the movement of fish stocks; and
- An opaque permitting process wherein the key project design decisions are made by multiple state and federal agencies outside of the NEPA-mandated public process.

In order to effectively first avoid, then minimize, mitigate and finally compensate for impacts to fishing communities, BOEM must develop ongoing engagement plans that strengthen the participation of fishermen throughout the entire OSW planning, leasing, operating, and decommissioning lifecycle.

Recommendations

In the near term, BOEM should partner with the fishing industry and fisheries managers and scientists to significantly improve the fisheries data housed within the West Coast Ocean Data Portal and OROWindMap. This process should follow a similar approach to the successful project RODA recently completed with the Northeast Regional Ocean Council and Mid-Atlantic Regional Ocean Council entitled “Updating Commercial Fisheries Data on the Northeast and Mid-Atlantic Ocean Data Portals” (available [here](#)). RODA and our members are willing and able to lead in, or assist, this important effort and there are multiple approaches that could be effective to do. We invite BOEM to discuss these with us. While such an effort is absolutely critical to informing long-lasting OSW decisions, it is important to keep in mind that it will require a broad project team and take many months or longer to accomplish.

Thank you for the opportunity to provide these comments. We look forward to expanding collaboration between BOEM’s Pacific Region and the Oregon fishing community.

Sincerely,



Annie Hawkins, Executive Director



Fiona Hogan, Research Director



Lane Johnston, Programs Manager

Responsible Offshore Development Alliance