

# CALIFORNIA FISHERMEN'S RESILIENCY ASSOCIATION

1118 6th St.  
Eureka, CA 95501

Doug Wilson, Agent  
AXYS Technologies

November 9, 2023

Re: Opposition to Proposed Data Buoys

Mr. Wilson,

Thank you for your outreach to the California Fishermen's Resiliency Association (CFRA) on behalf of AXYS Technologies concerning their desire to anchor a Metocean Data Buoy at 41.4N x 124.7W, just outside of the Humboldt Wind Energy area (WEA).

Please be advised that the CFRA and its member associations oppose the anchoring of any data collection buoys on California's community fishing grounds, including inside the designated California WEA's.

Specifically, the CFRA opposes the anchoring of these buoys because of the continuing irresponsible practices of abandonment of the anchoring systems including anchor rode chain and 11,000 pound anchors on the fishing grounds, when all of this equipment is retrievable.

The scientific community and wind power developers and their subcontractors continue to act as if they have been given a "carte blanche" pass to disrupt fishing fleet activities, damage or destroy legal "fixed" fishing gear on the grounds and then "decommission in place" - basically leaving their trash, on the ocean bottom. Eleven thousand pound anchor weights, chains and anchor rode wreak havoc with legally operated longline and bottom contact pot gear. A fishing vessel engaged in bottom trawling, hanging up a \$30,000 trawl net and a set of doors and cable, cannot raise 11,000 pounds of anchoring equipment to the surface to extract what's left of its net. Instead, this scenario can cause catastrophic loss of vessel stability potentially resulting in the capsizing and sinking of the fishing vessel that is now hung up on your client's abandoned anchoring system.

Included below, for the inspection of AXYS Technologies Group, are the email threads concerning the last data buoy fiasco on the Humboldt Community fishing grounds overseen by Dr. Alicia Gorton of the Northwest National Laboratories. Additionally, we have included a description of the operation and abandonment of that data buoy contained in the CFRA White Paper, "Impacts, Minimization and Mitigation of Offshore Wind Power Activities".

Thank you for the opportunity to comment on the AXYS Technologies request.

On behalf of the CFRA and its member association,

Sincerely,  
Ken Bates, Executive Director  
California Fishermen's Resiliency Association

Crescent City Commercial Fishermen's Association  
Trinidad Bay Fishermen's Association  
Shelter Cove Fishing Preservation, Inc.  
Salmon Troller's Marketing Association of Noyo  
Bodega Bay Commercial Fishermen's Association  
San Francisco Crab Boat Owners Association  
Half Moon Bay Commercial Fishermen's Association  
The Alliance of Communities for Sustainable Fisheries  
Commercial Fishermen of Santa Barbara  
California Wetfish Producers Association  
Santa Cruz Commercial Fishermen's Association

Enclosures:

**Email thread between Dr. Gorton, Humboldt Fishermen's Marketing Association, and the Coastal Commission, etc.**

From: "Cousart, Amanda@Coastal" <amanda.cousart@coastal.ca.gov>  
Date: April 1, 2022 at 8:18:52 AM PDT  
To: Ken Bates <kenbatesironic@gmail.com>  
Cc: Alan Alward <netflea@charter.net>, Tom Hafer <somethingsfishy@charter.net>, steve scheiblauer <maconsult49@gmail.com>, "Huckelbridge, Kate@Coastal" <Kate.Huckelbridge@coastal.ca.gov>, "Wyer, Holly@Coastal" <holly.wyer@coastal.ca.gov>  
Subject: RE: Th8a Lease Expiration and Development Activities

Good Morning, Ken-

Thank you again for sharing your correspondence. We reached out to BOEM with the concerns you've brought up, and they have shared the following:

For BOEM authorized activities, 30 CFR 585.902 states the following:

What are the general requirements for decommissioning for facilities authorized under my SAP, COP, or GAP?

(a) Except as otherwise authorized by BOEM under §585.909, within 2 years following termination of a lease or grant, you must:

- (1) Remove or decommission all facilities, projects, cables, pipelines, and obstructions;
- (2) Clear the seafloor of all obstructions created by activities on your lease, including your project easement, or grant, as required by the BOEM.

In short, BOEM has a requirement to clear the seafloor and remove all facilities which would include a buoy's moorings and chains. They require a decommissioning plan as part of SAP, GAP, or COP per their regulations.

Additionally, they (BOEM) are following up with the Contracting Representative for the other project to get more information about the activities and decisions for the buoy/gear related to the PNNL study.

Thank you,  
Amanda

From: Ken Bates <kenbatesironic@gmail.com>  
Sent: Monday, March 28, 2022 4:58 PM  
To: Cousart, Amanda@Coastal <amanda.cousart@coastal.ca.gov>; Huckelbridge, Kate@Coastal <Kate.Huckelbridge@coastal.ca.gov>  
Cc: Alan Alward <netflea@charter.net>; Tom Hafer <somethingsfishy@charter.net>; steve scheidblauer <maconsult49@gmail.com>  
Subject: Th8a Lease Expiration and Development Activities

To whom it may concern:

Enclosed below are email communications concerning the first negative physical impact from Wind power to commercial fishermen on the Humboldt County Community fishing grounds. Northwest National Laboratories operating under permits from BOEM deployed a Lidar Research Buoy in 347 fathoms on the Community Fishing Grounds off of Eureka in Humboldt County. Humboldt Fishermen's Marketing Association contacted Dr. Alicia Gorton on September 29, 2020 concerning the deployment of this buoy and the plans to abandon an 11,000 pound anchor, anchor chain, and anchor rode on the fishing grounds at the termination of this project. Fishermen asked that this "junk" be removed from the fishing grounds and not left in place. Please see the responses in the attached email thread.

Subsequently, instrumentation on the buoy failed, the project was terminated early and BOEM permitted the anchor rode (mooring line attached to the anchor from the sea surface to the

seabed) to be parted and the anchoring system to be abandoned. An 11,00 pound anchor and equipment left on the seabed beats any fishermen's gear when the two hang up and tangle. BOEM plans to abandon at least three more anchoring systems in and around the Humboldt WEA. This is not acceptable.

Thank you,

Ken Bates  
Humboldt Fishermen's Marketing Association

Sent from my iPad

Begin forwarded message:

From: "Gorton, Alicia M" <alicia.gorton@pnnl.gov>  
Date: October 2, 2020 at 11:48:10 AM PDT  
To: Ken Bates <kenbatesironic@gmail.com>  
Cc: "harrison.ibach@yahoo.com" <harrison.ibach@yahoo.com>, "Sumait, Necitas C" <Necy.Sumait@boem.gov>, "Derby, Michael" <michael.derby@ee.doe.gov>, "Shaw, William J" <will.shaw@pnnl.gov>, "Hand, Kristine D" <Kris.Hand@pnnl.gov>, PS Reilly <psreilly@axysmarine.com>, John Driscoll <john.driscoll@mail.house.gov>, Kate Huckelbridge <kate.huckelbridge@coastal.ca.gov>, "Cooke, Steven D" <Steven.Cooke@pnnl.gov>, "Freshley, Mark D" <mark.freshley@pnnl.gov>  
Subject: RE: Upcoming Buoy Deployment off Eureka, California

Good afternoon, Mr. Bates,

As clarified by Mr. Mike Derby from the Department of Energy on September 29, the coordinates provided (40.9708 Latitude, -124.5901 Longitude) were in decimal format. The coordinates in degrees, minutes, seconds are 40°58'14.9"N and 124°35'24.4"W.

The buoy will be deployed in a water depth of approximately 625 meters (347 fathoms). The 11,000 pound solid cast iron anchor (with a 2.3 square meter footprint) and approximately 6 meters of chain will remain on the seafloor after buoy recovery, which has been authorized by the National Oceanic and Atmospheric Administration National Marine Fisheries Service and fully permitted through a Nationwide Permit granted by the U.S. Army Corps of Engineers. A private aids to navigation (PATON) permit has also been issued by the U.S. Coast Guard.

Thank you,

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Alicia M. Gorton, Ph.D., PMP  
Project Manager and Ocean Engineer  
COASTAL RESEARCH GROUP

Pacific Northwest National Laboratory  
902 Battelle Boulevard

P.O. Box 999, MSIN K9-89  
Richland, WA 99352 USA  
Phone: 509-375-6943  
Mobile: 509-412-0589  
alicia.gorton@pnnl.gov  
www.pnnl.gov

From: Ken Bates <kenbatesironic@gmail.com>  
Sent: Tuesday, September 29, 2020 10:31 AM  
To: Gorton, Alicia M <alicia.gorton@pnnl.gov>  
Cc: harrison.ibach@yahoo.com; Sumait, Necitas C <Necy.Sumait@boem.gov>; Derby, Michael <michael.derby@ee.doe.gov>; Shaw, William J <will.shaw@pnnl.gov>; Hand, Kristine D <Kris.Hand@pnnl.gov>; PS Reilly <psreilly@axysmarine.com>; John Driscoll <john.driscoll@mail.house.gov>; Kate Huckelbridge <kate.huckelbridge@coastal.ca.gov>  
Subject: Re: Upcoming Buoy Deployment off Eureka, California

Dr. Gorton,

On September 11, 2020, Humboldt Fishermen's Marketing Association officers received your email describing your intent to anchor a Lidar Buoy on the "Community Fishing Grounds" off Eureka, California. Subsequently on September 15, 2020 HFMA responded with the following requests for additional information:

- Please submit corrected latitude/longitude for proposed buoy location. The position submitted in your letter of September 11, 2020 does not exist on any chart.
- Please state the anchoring depth of the proposed buoy.
- Explain how your agency will retrieve 11,000 pounds of anchor, chain and rode off of our community fishing grounds upon termination of your project. "Decommissioning in place" (abandonment) of this scientific debris is not acceptable.

This is our second attempt to reach out to you and obtain clarification regarding your proposed project. We would appreciate a timely response from you and your team. Without the support of the local fishing industry the success of your proposal may be in question.

Sincerely,  
Ken Bates, Vice-President  
Humboldt Fishermen's Marketing Association  
Eureka, California  
707-498-1904

Sent from my iPad

On Sep 11, 2020, at 2:19 PM, Gorton, Alicia M <alicia.gorton@pnnl.gov> wrote:

Dear Mr. Ibach,

In partnership with the Bureau of Ocean Energy Management and the U.S. Department of Energy, Pacific Northwest National Laboratory will be deploying a lidar buoy off the coast of

Eureka, California at the end of September. The attached letter provides some high-level information on the upcoming deployment.

Please feel free to contact me with any questions ([alicia.gorton@pnnl.gov](mailto:alicia.gorton@pnnl.gov); 509-375-6943).

Sincerely,

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Alicia M. Gorton, Ph.D., PMP  
Project Manager and Ocean Engineer  
COASTAL RESEARCH GROUP

Pacific Northwest National Laboratory  
902 Battelle Boulevard  
P.O. Box 999, MSIN K9-89  
Richland, WA 99352 USA  
Phone: 509-375-6943  
Mobile: 509-412-0589  
[alicia.gorton@pnnl.gov](mailto:alicia.gorton@pnnl.gov)  
[www.pnnl.gov](http://www.pnnl.gov)

COVID-19: As COVID-19 continues to have a profound effect on the lives of those around the globe, I hope you and your family are staying healthy and safe. During this extended period of “stay-at-home” precautions, teleworking, and remote learning for school-age children, my core business hours will be 12pm-6pm PST Monday-Friday. Thank you for your patience as we all adjust to new working environments. Stay well.

### **Excerpt from CFRA “Impacts, Minimization and Mitigation of Offshore Wind Power Activities**

**Data Collection Buoys** — To date (April 2022) there is one Lidar Data Collection Buoy anchored in 347 fathoms of water, NNW of the Humboldt WEA. Launched in late September of 2020, this buoy was scheduled to remain in place, on station, for one year. It has been on station only intermittently during a period of one year and seven months. During this time period, the buoy has experienced repeated mechanical failures due to Northern California ocean weather conditions. There have already been six “maintenance” trips to the buoy: one involving a diver, and two trips requiring the use of two “ocean capable” tugs. The buoy has been towed back to Humboldt Bay twice at two miles per hour for the twenty plus mile trip. Each time back in port the buoy underwent repair of wave damage including the replacement of the fuel powered generator which was torn off the buoy by weather. Another “maintenance” trip is scheduled this spring (personal communication, Z&Z Marine, March 15, 2022). The BOEM report clearly states that these data collection buoys will require one trip per year for

maintenance. The BOEM report is pure conjecture. A more realistic number for the three planned data collection buoys on either the Humboldt or Morro Bay WEA's is likely to exceed twenty maintenance trips and possibly thirty trips if the buoys are to collect data for 365 days on station. The BOEM report also includes a single day to decommission the buoy. Neither the Northwest National Laboratory, BOEM, wind energy developers, or the commercial marine salvage and construction firms have a plan or any intention to retrieve the 11,000 pound steel anchors and chain holding these buoys in place on the fishing grounds. The "single day" decommissioning plan in the BOEM document is based on abandoning this anchoring system on the fishing grounds. On the U.S. East Coast, the wind energy developer Orsted Inc., conducting BOEM permitted site survey work on a New York WEA, set forty, five hundred pound concrete and steel block anchors on the New York fishing grounds with no intent to retrieve this equipment. The BOEM/Orsted plan is to "decommission" these marine hazards in place. East Coast fishermen are protesting the abandonment of this junk on the fishing grounds with little or no response from BOEM. **Nothing should be left on California's Community Fishing Grounds!** Here is a link to that article.

<https://www.wind-watch.org/news/2022/04/30/wind-farms-fish-monitors-irk-fishermen/>

**Expect major disruptions to fishing activities and impacts to coastal fishing communities from WEA site assessments.**