

CALIFORNIA FISHERMEN'S RESILIENCY ASSOCIATION

1118 6th St.
Eureka, CA 95501

California Coastal Commission
March 29, 2022

Re: Staff Report Th8-a-4-2022

Commissioners:

The California Fishermens Resiliency Association (CFRA) is writing to comment on Coastal Commission Staff Report Th8-a-4-2022, concerning the Federal Consistency Determination for offshore wind power projects in California waters. The CFRA is a California nonprofit Mutual Benefit Corporation serving as "point of contact" and negotiator with non-fishing project developers to produce industry-to-industry contractual agreements known as Fishing Community Benefit Agreements (FCBA's) to minimize and mitigate negative impacts to fishermen and fishing communities from various types of offshore developments.

Our comments are as follows:

1. The CFRA Board of Directors would like to congratulate Coastal Commission staff for the beautifully researched and detailed report concerning proposed offshore wind power projects and the impacts and interactions with and to fishermen and California's coastal fishing communities. Coastal Commission staff reports have been and continue to be the "gold standard" for informing both the general public and all special interest groups seeking balanced and informative, data and narrative. This report is no exception to the high standards historically associated with the commission and its staff.
2. **Impacts to Fishing and Fishing Communities** (page 14- CD-0001-22) Permit Condition 7A — Fisheries Liaison Officer (FLO) Permit Condition #7 requires the employment of a Fisheries Liaison Officer to interact between fishermen,

the fishing community and offshore non-fishing developers.

We would request the following language:

“Fisheries Liaison Officer” — the Developer(s) will be required to fund the position of Fisheries Liaison Officer as per permit condition 7A, while local port fishermen’s association will be responsible for the screening, interview and hiring of the Fisheries Liaison Officer. Port fishermen’s association and the developer will work collectively to develop protocols for the position of FLO.

Justification— the position of Fisheries Liaison Officer (FLO) needs to be filled by the local fishermen’s association impacted by the proposed development, not by the developer. On both the West and East Coasts, the independence and level of community trust in “developer hired” FLO’s has been highly problematic. On the U.S. East Coast, fishermen have had poor results in communicating their concerns and impacts to wind power developers through the FLO, when the FLO has been chosen and hired by the Developers (K. Wark, personal communication, 2021). In California, fishermen have directly experienced similarly poor results trying to communicate with FLO’s hired by subsea cable installers in Northern California. These poor results included disruption and loss of legally set fixed fishing gear, refusal on the part of survey vessels to terminate survey work during legal fishing seasons and exceedingly bad outreach skills and community connections in notifying fishermen as to schedule and operational changes by developers. **In short, when FLO’s are hired by the developer these individuals work for the developer to advance the developers needs at the expense of the impacted fishing community.**

- 3. Initial Impacts on Community Fishing Grounds by Lease Exploration Activities** (Abandonment of BOEM permitted anchoring systems.) In the staff report, Section: “Lease Exploration Activities (page 24), it states that BOEM may permit the installation of scientific buoys within or adjacent to the Humboldt WEA. These buoys are held “on station” by an 11,000 pound anchor, anchor chain and rode (mooring line between the anchor on the seabed and the surface of the ocean). The report details buoy deployment, and maintenance. “Buoy decommissioning is expected to take one day”. What this sentence is describing is the abandonment of the entire 11,000 pound anchor, chain and a portion of the rode onto the Humboldt Community Fishing Grounds. On September 11, 2020, Northwest National Laboratories working under a BOEM permit, announced their intentions to deploy a Lidar research buoy on the Humboldt Fishing Grounds in 347 fathoms slightly northwest and outside of the Humboldt WEA. On September 29, 2020, Humboldt Fishermen’s Marketing Association contacted Dr. Alicia Gorton and requested that the anchoring system be removed from the fishing grounds in its entirety. Dr. Gorton responded by stating that the BOEM permit allowed the Northwest National Laboratories and their subcontractors to “decommission in place”, i.e. abandon the entire anchor system at the termination of her project. Later that year when the Lidar buoy was deployed, it experienced instrument failure and was removed from the site by parting the anchor rode, leaving the remnant rode, an unknown amount of chain and the 11,000 pound anchor on the fishing grounds. This scientific junk weighing in cumulative excess of 11,000 pounds is far beyond the capacity of even

the largest trawl or longline vessels working on the North Coast. Any of our trawl vessels could easily entangle and lose a \$25,000 trawl net, \$8000 trawl doors and associated steel trawl cable while at the same time expose the vessel and crew to downflooding or capsizing, resulting in vessel loss. **Nothing** should be left on the seabed for the entire duration of the wind power experiment to be conducted on the Humboldt Community Fishing Grounds. Both the federal government (BOEM, NOAA) and the installers of scientific buoys and OSW Developers should be legally liable for abandoned gear of any kind.

4. **Cumulative Impacts** (page 29). — “Potential effects of leasing and future lease development should be understood within the larger context, as some impacts that may not be particularly significant by themselves, may be more significant when viewed as one of a myriad impacts and stressors that are affecting the marine environment, the fishing industry or other resources or communities”.

Comments: In August, 2021, Humboldt Fishermen's Marketing Association submitted to the California State Lands Commission a sixty page public comment document concerning the plan to install up to four fiber optic subsea cables (Permit #CDP9-21-0165/CC-0004-21) across the Eureka Dungeness Crab Fishing Grounds. This public document expressed North Coast fishermen's concerns over fishing gear loss by survey and installation ships, drilling mud blowouts, seabed scouring and cable exposure, lack of state permit condition enforcement and the cumulative impacts of four cables (installation, maintenance and removal), combined with the planned Humboldt WEA Project also scheduled to cross the same Eureka Fishing Grounds with yet more non-fishing infrastructure. Fishermen's concerns were dismissed by State Lands Commission. As of this date (March 25, 2022), cable installations that were supposed to be completed by September 2021 are still incomplete with less than two miles of one cable buoyed off in shallow water on the fishing grounds in front of Eureka. The cable ship setting cable from Asia is nowhere to be seen. Protracted impact to fishing from these four planned cables will in all likelihood continue for years to come. There is no reason to believe that wind power survey and installation activities will not be even worse. Additionally, the massive WEA proposed for Southern Oregon will impact California Fishermen by the loss of Oregon fishing grounds and displacement of the Oregon fishing fleet south to California. Lastly, OSW projects will restrict future fishermen's abilities to adjust to species range shifts caused by a warming ocean coupled with the de facto closure of WEA fishing grounds by ocean industrialization

5. **Impact to Fishing and Fishing Communities** (page 14) — 7C - “BOEM will work with the Commission and other state and federal agencies to develop and facilitate a working group consisting of fishing organizations and representatives from different regions, / ports of the State.....
 - a. Comment - the members of the working group should consist of representatives from **Commercial Fishing California Port Fishermen's Associations**. both within and outside of the potential WEA's.

- b. Comment - Any "Fishing Agreement" template should be directly based on the February 9, 2022 industry letter sent to California State Agencies concerning the specifics for "creating a template and managing entity to address unwanted, adverse impacts on California's Fisheries from offshore wind development". (Note: the CFRA was formed via these fishing industry "templates" and embraces the concepts contained therein.)
- c. The Humboldt Bay Harbor District (developers) has received a 10.5 million dollar grant from the California Energy Commission for the conversion of Redwood Terminal 1 from present use by commercial fishermen (illegally evicted from Woodley Island Marina) to a wind power facility. Under what process will state agencies ensure that these commercial fishing businesses are relocated to a fisherman approved, properly zoned and built site in Humboldt Bay before any construction by the developer begins? (See attachment: letter from Owens and Ross, Attorneys, October 23, 2019)

We wish to again express our gratitude for this thoroughly researched staff report and the opportunity to submit public comment.

Sincerely,

Ken Bates, President

On behalf of the California Fishermens Resiliency Association (CFRA)